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ABSTRACT

The response of the criminal justice system to actual and perceived crime in the District of Columbia during the period 1955-1975 was investigated. Results indicated that a variety of efforts contribute to the relatively stable trend of reported crime during the last five years of the period studied, including: (1) increased numbers of police; (2) holding police commanders accountable for crime; (3) court reorganization; (4) narcotics treatment programs; and (5) increased incarceration rate for offenders. Numerous graphs, tables, and appendices are included. (Author)

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THE WAR ON CRIME in the District of Columbia 1955-1975

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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By Jerry V. Wilson

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ABSTRACT

The War on Crime in the District of Columbia, 1955–1975. This project describes and appraises the response of the criminal justice system to actual and perceived crime in the District of Columbia during the period 1955–1975. The result is a case study of the American city which suffered earliest and longest in this generation from a reputation for high crime and fear of crime. This study has examined the public perception and political processes which led to that reputation and the variety of governmental responses to the problem. Such responses as increased numbers of police, holding police commanders accountable for crime, court reorganization, narcotics treatment, and increased incarceration of offenders are described as having contributed to a relatively stable trend of reported crime during the last five years of the period studied, although it is not feasible to separate these influences from other factors. The study notes that, despite repeated efforts from legislators, executive branch officials, and study commissions, the criminal justice system of the city continues to suffer from lack of timely, comprehensive data on criminal offenders and criminal justice operations.

CHAPTER I. INTRODUCTION

My object in this project has been to describe and appraise the response of the criminal justice system to actual and perceived crime in the District of Columbia during the period 1955 through 1975. (The year 1955 was selected as the base because it appears to represent the low point of postwar criminal activity in the District.) There are several factors which justify this kind of extensive study of the city's criminal justice system:

- *Public interest*. In contrast to the "apathy" toward crime problems that was alleged in other cities, the District of Columbia experienced a very high level of public interest and concern over crime and criminal justice during the period studied.
- *National response*. Because the District is the Nation's Capital, its crime problems received early attention in the Congress and in the White House, both as a national political issue and as a specific responsibility of the Federal Government.
- *Financing*. Because of Congressional and White House interest in District crime —and the availability of federal financing to address the problem—the local criminal justice has without question been the best financed and most costly of any comparable system in the nation. (Precise cost data on the District's criminal justice system are not available, but Appendix B shows that at least $1.5 billion was spent for criminal justice purposes during the period studied, with more than half that amount spent in the last five years of the period.)
- *Unified control*. Because the District is virtually a "city-state," it is the only jurisdiction in the U.S. where the local government is vested with control, not only over the police, but also over the corrections component of the criminal justice system. Moreover, until home rule was granted in 1975, the President had direct power over the city government, its police and corrections components, and even the chief prosecutor for the jurisdiction—i.e., the U.S. Attorney. As nominating authority for fixed-term appointees, the President also had potential influence over the Superior Court (and its predecessors) which handled the overwhelming majority of criminal cases going to trial in the District.
- *Trend lines*. Finally, the statistics of reported crime, political statements and perceptions of public attitudes, and victimization surveys have all seemed to imply that crime in the District of Columbia was extraordinarily worse than in comparable cities during the 1960's, but substantially better during the 1970's, giving rise to the question (if those judgments were valid) of what elements produced the change.

The study has entailed a thorough review of District crime and criminal justice from 1955 through 1975. My principal sources have been the annual reports of the police department and the courts, the *Congressional Record* and the records of congressional legislative and appropriations hearings, my personal files, and samplings of newspaper files over the period.

Advisors to the project have expressed concern that I relied too much on the record and too little on my personal recollections as a participant in the criminal justice system throughout the period studied. That approach was deliberate. It seemed to me that the work would be more useful and better validated if it were based substantially on written records, rather than on the recollections of a single observer who possessed some rather strong views and biases about the workings of the criminal justice system. Moreover, I have a strong aversion to the journalistic technique of revealing the statements of public figures—statements made with the expectation that they were private—however interesting those statements may be.

Despite my intentions, however, it is probable that my own biases are reflected in the way I have selected and emphasized the events in the following chapters. At this point, therefore, I shall acquaint the reader with the individual who was responsible for the study.

Career Experience of the Author

The reader is entitled to know the experiences which shaped my viewpoints. My career with the Metropolitan Police Department of Washington, D.C., began in 1949. The first several years are inconsequential to this summary. From 1953 until 1961, I was assigned to the Chief Clerk's Section—the administrative section—of the department, where most of my work was with statistical

analysis and budget preparation and execution. My police rank (which bore no relationship to the work in which I was engaged) advanced from private to lieutenant; in a civilian agency of the government of that period, I would have been described as a management or budget analyst. My position was at the fifth rank of the formal organization of the police department, but at the third level of the informal organization. That is, my effective direct supervisor at any given time was usually responsible directly to the chief of police.

In the Chief Clerk's office, we prepared the department's annual reports, budget presentations, and such special reports as justifying a 2,500-officer police force in 1956 (when crime was at a record low) and justifying 500 additional officers in 1959 (when the city was fifth from the bottom in crime rates among eighteen comparable cities). We did not formulate or recommend policy in these matters. Rather, our function was to take any given policy decision and to develop plausible justifications for it, often in the face of contrary or contradictory evidence.

We were not involved in developing arguments against the *Mallory* ruling, which will figure so prominently in this study.[1] The early public remarks of Police Chief Robert V. Murray, and his later testimony at the 1957 and 1958 congressional hearings, were quite extemporaneous. (My feeling at the time was that the department assigned more importance to *Mallory* than it deserved, for the decision did not appear to be all that different from two earlier rulings—or from the plain language of Rule 5(a) of the Federal Rules of Criminal Procedure, on which the decision was based. However, I did not anticipate the extension of *Mallory* by the local Circuit Court.)

During the years 1961 through 1965, I was budget officer of the department, with additional effective control over much of the department's management planning function. My position was at the fourth level of the formal organization and at the second level of the informal: regarding important matters I usually reported directly to the police chief. In those years, rising congressional concern over crime produced a long succession of committee and subcommittee hearings. The police department staff work for those hearings was produced almost exclusively in the budget office. Consequently I was in a position to obtain a clear picture of the department's policy in these matters, as well as the responses of other criminal justice leaders to the issues raised.

For the years 1966 and 1967—first informally, then formally—I was Director of Planning and Development for the police department. In that capacity, I continued to plan and coordinate the staff work for congressional hearings. In addition, I assumed new duties as liaison between the police department and the staff of the President's Commission on Crime in the District of Columbia, the International Association of Chiefs of Police (which was surveying the department), and the new Office of Law Enforcement Assistance. My office was eventually charged with implementing the reorganization recommended by the IACP and those recommendations of the Crime Commission which were approved by the police chief.

During 1968 and the first half of 1969, I headed field operations of the department. For this period I was more separated from criminal justice planning and policymaking than at any other time in the period studied (except for 1975, when I had left the department). Field operations officials were not ordinarily concerned with or involved in long-range planning. That policy was reinforced during 1968 and 1969 by the unusually high number of disorders and demonstrations in the city, which kept our attention focussed almost entirely on day-to-day occurrences in the streets.

From mid-1969 through late 1974, I was chief of the Metropolitan Police Department.

The Preliminary Assumptions

Prior to this study, I formed a number of rather strong views about what had led to the peak crime rate in the District in 1970, and to the reductions thereafter. (These "preconceived notions" will be discussed in the Conclusion to this work.) Based on my experience and observations, then, I carried the following assumptions with me when I left the Metropolitan Police Department:

- *Regarding crime trends.* That the low rates of crime in the middle 1950's were partly the result of under-reporting by police. That, subsequently, some of the increases in the late 1950's and middle 1960's were the result of improved reporting. That, despite the deficiencies of the data, a graph of the fluctuations in offenses reported over the period studied (except perhaps for the late 1950's) formed a reasonably accurate trend line.
- *Regarding comparisons with other cities.* That except for St. Louis, which appears to have maintained very high crime reporting standards since the middle 1950's, the District's crime reporting system was at least as accurate as that of any other city of comparable size.
- *Regarding public perceptions of Washington crime.*

[1] In *Mallory v. United States*, 354 U.S. 449, issued June 24, 1957, the Supreme Court reversed a conviction because it had been based on a confession obtained during an "unnecessary delay" in taking the suspect before a committing magistrate. Two days later, on June 26, Chief Murray said that the *Mallory* decision "ties the hands of the police department and renders them almost totally ineffective." The decision and its consequences are discussed at the beginning of Chapter 3.

That citizens of the District (and the public generally) were led by statements of police and political leaders to grossly overestimate the extent of crime in Washington, relative to other cities, except perhaps for the years 1968 and 1969. That the status of the city as the Nation's Capital, and the consequent publication of local crimes by the national news media, contributed to adverse public perceptions of crime in the District.

- *Effects of police lobbying*. That efforts by the police department to obtain legislative revision of the *Mallory* ruling (and later the ban on investigative arrests) resulted in overemphasizing and often overstating their very real impact on criminal investigations—and even to overstating the number of crimes and the degree of crime rate increases. That the blaming of crime increases on court restrictions furnished a convenient excuse for police commanders to escape their responsibility to reduce crime.
- *Regarding police performance*. That police officers are better motivated to work on crime prevention when they are stimulated by a positive outlook, reinforced by the understanding that they have a central responsibility for crime prevention. That the motivation of police commanders to strive for crime reductions was a principal factor in the District's relatively favorable crime trends in 1970 and thereafter.
- *Regarding the courts*. That complaints about restrictive rulings, during the early and middle 1960's, overlooked the more important court-related problems of excessive plea bargaining and charge reductions to accommodate calendar overloads. That there was a grossly unprofessional failure of the courts and the bar to deal with defense attorneys taking advantage of court congestion. That a major deficiency of the Johnson Administration's program against crime was its failure to deal with the problems of court congestion and disorganization. That court reorganization was a major element in continuing the relatively favorable crime trends of the middle 1970s.
- *Regarding narcotics*. That there was a strong (but difficult to assess) relationship between increases in reported serious crime in the District and increases in heroin use in the city. That the narcotics treatment programs of the city contributed to the relatively favorable crime trends of the 1970's.
- *Regarding corrections*. That a major weakness of the crime-control process for the District from the middle 1960's onward was the correctional and parole policies which often allowed persons sentenced for very serious crimes to return quickly to the streets on furlough, work release, community corrections status, or virtually automatic parole after serving a minimum sentence. That sentences under the Federal Youth Corrections Act were being subverted by too early release. That incarceration of the serious offender for several years would enhance the functions of "incapacitation" and "general deterrence."
- *Resources allocated to crime reduction*. That throughout the period studied, with only occasional exceptions, the District had an adequate level of resources directed to all components of the criminal justice system, and especially to the police. That locally elected politicians would probably have allocated fewer resources to the city's criminal justice system than did national political figures.
- *Regarding pre-trial release*. That the Bail Reform Act of 1966 created major problems for criminal justice in the District, both by reducing the deterrent affect of arrests and by encouraging defense attorneys to use dilatory practices. That the 1970 revision of the bail law imposed such stringent requirements on the prosecutor that formal requests for pre-trial detention were not feasible in most cases.

* * *

My method was to collect and examine available information and data relating to activities and performance of the District's criminal justice agencies, and to see what conclusions—new or old—might be inferred. Even though the preliminary assumptions were not stated as formal hypotheses, their existence may have influenced the direction of the work. For this reason, they are stated as notices to the reader.

CHAPTER II. PUBLIC PERCEPTIONS OF CRIME

Through most of the period studied for this report, public fear and concern over crime in the District of Columbia far exceeded any reasonable relationship to the danger of crime. A possible exception was the period 1968–1970, when the rate of "violent" crimes was extraordinarily high and rising.

Using the Uniform Crime Report Crime Index as a measure, public fear of crime in Washington, at least during the first decade of this study, was clearly disproportionate in comparison with crime levels of the past. For example, in 1956, citizen associations writing to Congress in support of an increased police force reported that "residents . . . are afraid to go out after dark to meetings or for social occasions." This was at a time when reported crime had *declined by nearly 20 percent*, over a three year period, to its lowest point since the reporting system was revised in 1948. Public fear of crime in Washington was also disproportionate in comparison with the national crime trends. Except during the peaking of reported crime in 1970, neither total crime index offenses nor violent crime categories were extraordinarily high in comparison with other large, densely populated, central cities. In fact, victimization surveys demonstrate that, at least in 1973, levels of total crime and of violent crime in the District were unusually low, in comparison with other cities.

However unreasonable the fears may have been, it is beyond question that, at least from 1960 through perhaps 1971, the general perception of many citizens of this city and of the nation was that the District of Columbia was far less safe than most other cities.

A. Factors Affecting Perceptions of D.C. Crime

Local and national misconceptions of crime in Washington can be attributed to a number of factors:

1. *Aggravated assault reporting.* The Washington police department completely revised its crime reporting system in 1948. One component of the new system was a rather rigorous requirement that reports be filed and tabulated on all aggravated assaults coming to the attention of the police. Comparisons of murder and aggravated assault ratios published in the department's 1956 annual report show that the District of Columbia was more thorough in its reporting of aggravated assaults than many other cities. Many observers did not understand that the higher aggravated assault rates of Washington derived partly from rigorous reporting processes.

2. *Proportion of blacks in population.* A disproportionately high percentage of persons arrested for Crime Index offenses are black. Regardless of the reasons, and despite the fact that the number of blacks arrested for serious crimes constitute well under 10 percent of the total black population, the perception has persisted (particularly among some whites) that a high proportion of blacks are criminal offenders. Although this misconception seems to have lessened in recent years, it was certainly common in Washington during the early years of this study. At that time, the city had only recently eliminated segregated restaurants, very few blacks were employed in other than custodial jobs in the city government, and housing for some of the city and most of the suburbs was distinctly segregated.

For example, after the robbery of Mrs. Mark Ethridge, many of the comments to be heard in various quarters indicated mistaken beliefs that her attackers were blacks.

3. *Shift of crime and perceived crime to outlying areas.* The population of the Washington metropolitan area grew from 1.5 million in 1950 to 2 million in 1960 and 2.9 million in 1970. By 1975 the metropolitan area population exceeded 3 million persons—more than double the 1950 total. Meanwhile, the population of the District of Columbia—circumscribed by fixed boundaries—declined from 802,000 in 1950 to 756,000 in 1970. Given these changes, it is convenient to speculate that what occurred in Washington over the period was simply a natural expansion of the central, "crime-prone" areas of a relatively small metropolitan area to the larger central core of an expanded metropolitan area. To some extent, this notion is supported by the strong belief among contemporary observers that crime was moving outward from the core of the city to outlying, formerly low-crime, precincts. Several precinct commanders commented on this factor during a *Washington Post* series of articles in 1959.

Crime Report data seem to support those perceptions of redistribution of crime to outlying precincts. (However, the data were influenced by a change in the police manpower allocation system, which provided an incentive for precinct commanders to insure more complete

reporting of offenses.) In any event, the increases could hardly justify the extent of public fear which developed from 1957 to 1959. Total crime index offenses increased 17 percent over the two years; violent crimes increased only 4 percent, and most of the increase in property crimes was in larceny-theft. But there was a significant difference between 1957 and 1959 reported crime. Although the crime rate was still quite low in outlying precincts in 1959, there were more offenses—particularly newsworthy offenses—in middle- and upper-class residential areas than had been the case a few years earlier.

Citizens should be concerned about crime, wherever it occurs in their city. But the person is rare who does not react differently to crime reported in a familiar, quiet neighborhood than to offenses reported in an unfamiliar area of the city with a long history of high crime rates.

4. *National prominence of victims.* It is inevitable that, from time to time, some prominent citizen will fall victim to crime. When that happens in Washington, there is a good chance that the victim will be prominent not only locally but nationally as well, making the event unusually newsworthy.

As noted earlier, even when crime was quite low in 1956, citizen associations were reporting fear of crime among their members. But searching for a point when the public outcry against crime in Washington began in earnest, we must settle on the assault and attempted purse snatching against Mr. Mark Ethridge and his wife, Willie Snow Ethridge, on October 6, 1957.

Bear in mind the setting. Reported crime in Washington had decreased 9 percent during 1956—the fourth year of decreasing crime for the city. (Meanwhile, crime nationally had *increased* 13 percent, reaching an all-time high.) Reported crime in Washington reached its record low in June 1957; there were some increases in the second half of the year, but reported crime in 1957 was still below that of 1956.

Mrs. Ethridge, an author herself and the wife of an important publisher, described the assault in an article in *This Week Magazine*, a popular national Sunday newspaper supplement. Her article was accompanied by a comment written by Senator Alexander Wiley (R.-Wis.), advising citizens "It can happen to anyone—Even to You." The uncritical reader would have inferred from Mrs. Ethridge's article that Washington was an unusually dangerous city. Mrs. Ethridge could scarcely be blamed for this inference, for at least part of her bias developed from information supplied her by local police!

Less justified were subsequent comments from local gentry who should have had a more balanced perception of conditions in Washington. Deputy Chief of Police Edgar E. Scott, the Chief of Detectives, stated there had been an increase in assaults during street robberies, and blamed the upsurge on leniency of the courts. The *Evening Star* editorialized on January 21: "It is ironical that it has taken an attack on [Mrs. Ethridge] . . . to focus national attention on the terror which rules the streets of Washington after dark." (Significantly, the second paragraph of the editorial pointed out that the attack was on "Woodley Road, just off Connecticut Avenue, a 'good' section of the city.") Representative Clare Hoffman (D.-Mich.) told the House that citizens of the District were not getting the protection to which they were entitled, and Representative Joel T. Broyhill (R.-Va.) said Washington would become "an after dark ghost city" unless Congress backed the police with tougher laws. A group of letters to the editor, published by the *Evening Star* on January 30, indicated widespread public opinion that crime in Washington was out of hand.

A variety of official responses was stimulated by the attack on the Ethridges, or rather by Mrs. Ethridge's article. But to look further at the public perceptions and reactions to crime in Washington, it is useful to move on to a set of events nearly two years after the attack on the Ethridges. August 1959 produced several notable crimes.

Again, it is helpful to relate the context in statistical terms. Crime had increased for two consecutive years. From the record low of fiscal year 1957, the reported crime index for fiscal 1959 was up 13 percent. The increase was almost entirely in offenses against property; violent crimes were up less than 1 percent.

Representative Charles A. Diggs (D.-Mich.), driving through Logan Circle in downtown Washington, observed several youngsters attacking a man. When he tried to frighten the attackers away, two of them came toward his car. One of the youngsters the night before, brandished a knife at the Congressman. An Air Force sergeant, attempting to chase away youngsters tampering with his car, had been shot and killed. Also during early August, the widow of former Deputy Defense Secretary Donald Quarles was the victim of an attempted purse-snatching—coincidentally in the same block as the Ethridge incident, the 2800 block of Woodley Road. (The *Washington Post* of August 17 referred to the incident as an "attempted purse-snatching in a fashionable section of Washington.")

These incidents prompted Senator Robert C. Byrd (D.-W.Va.) to tell the Senate that readers of Washington newspapers "might well form the opinion that this city is a half-civilized place where it is unsafe to venture into the streets at night." The following week, a plan was devised on the Senate floor to immediately increase the police force, while Representative Omar Burleson (D.-Tex.) was proposing in the House that two companies of

Marines be assigned to patrol the city. This highly publicized congressional discussion of crime in Washington obviously had significant impact on the attitude of the public, both locally and nationally, regarding Washington crime. Yet, buried among the expressions of concern in the *Congressional Record* of August 25, 1959, was the report that, of 32 cities compared in Senate lists of reported crimes for 1958, only seven cities reported lower per capita crime rates than Washington.

5. *Police statements regarding crime.* Prior to July 1957, reported crime in Washington had shown a downward trend for several years, contrary to the national trend. Chief Robert V. Murray took justifiable pride in this accomplishment, and he sought added resources with a hope of achieving even further decreases in crime. But following the Supreme Court ruling in *Mallory v. United States*, there was an abrupt change in police department statements regarding the crime situation. Before *Mallory*, the position of the department could be summarized as follows: Crime is at a record low in the District of Columbia even in the face of a rising crime rate nationally, but the public cannot expect further reductions in crime without a substantial increase in the size of the police force. After *Mallory*, the policy position might be summarized: Crime was at a record low in this city before the *Mallory* ruling and is still low compared to many other cities, but the public must understand that crime is now rising and will continue to rise until that ruling is overturned.

At middle management and supervisory levels of the department, attitudes were less ambivalent. Senior middle managers, particularly the Chief of Detectives, regularly spoke out publicly against restrictive court rulings. (In those years, public statements by members of the force were closely controlled, both by regulation and in practice; therefore it can be inferred that Mr. Scott's statements reflected department policy.) Thus the tone was set for complaining about crime problems among lower echelons of the department.

Mrs. Ethridge wrote in her milestone article that "Police are doing their best. . .but pedestrians, many of them young women with government jobs, continue to be waylaid in the best neighborhoods." One might wonder how she came to that conclusion, had she not told a reporter for the *Washington Post* that her source was the Washington police. The victim of another purse snatching related (in a letter to the editor of the *Evening Star* of January 30, 1958) the experience of going to the police precinct to look at mug shots. She was told by the police that such offenders expected to be picked up several times a month, to serve a light sentence, and to be let loose to repeat their offenses.

By 1962 some city residents were reporting that, when they complained to the police about crime, the response was: "Why don't you live in the suburbs where we do?"

On balance, except during periods when reported crime is on a noticeable downward trend, the pessimistic viewpoint is much more natural for the police to put forth. One reason for this is the direct contact police have with recent victims: it is exceedingly difficult to discuss crime in terms of statistical probabilities with someone who has just been victimized. Moreover, citizens and their legislators seem to quarrel with optimistic statements and to hold officials accountable for them. And the news media and other commentators have always been inclined to question reported *decreases* in crime far more critically than they analyze reported *increases*.

6. *Nationalization of District of Columbia crime.* Misconception of the extent of crime in Washington was not confined to residents. Citizens across the country came to view the city as a place of danger and fear. This "nationalization" process resulted from three factors: the legislative responsibility of Congress for the city, the use of Washington crime as argument against civil rights legislation, and the ultimate Presidential responsibility for governing the city.

The most important of the early expressions of concern over District crime came from Senator Byrd, who spoke out on August 17, 1959, and from Senators Alan Bible (D.-Nev.) and Mike Mansfield (D.-Mont.), who proposed a plan of action on August 26, 1959. Their statements and actions generated major articles in both the local and the national press. Looking back on the record, we must conclude that these congressional reactions were motivated primarily by the responsibility to deal with what those members of Congress were convinced was a real and growing problem. Their desire was to make the capital city a model for the nation. Meanwhile, others were inserting the issue of District crime into the *Congressional Record*—hence into the public spotlight—for other, less defensible motives.

Senator Olin Johnston (D.-S.C.) appears to have been first (September 1, 1959) to seize on reports of crime in the District as an argument against racial integration and civil rights legislation. He was not the last. Senator James O. Eastland (D.-Miss.) followed the same line in a Senate speech in March 1960, reportedly as part of a "Southern strategy" to point at crimes committed by blacks in Northern, integrated communities. Senator Allen J. Ellender (D.-La.), in a nationwide broadcast in June 1963, called Washington a "cesspool" of crime. And in an April 1964 colloquy on the Senate floor, both Eastland and Ellender submitted that, from the standpoint of crime, Washington was the worst city in the world.

These and other racially based attacks on Washington

did not go unchallenged, but somehow the defense never seemed to have the impact of the accusation. Among local residents, the tendency to listen to the "bad" news while disregarding the "good" was reinforced by the fact that, however favorably the city compared with other cities or with the record high of 1953, crime in Washington was becoming worse than it had been. And residents of other cities were perhaps transferring to Washington their concern over crime in their own neighborhoods. Although crime was not viewed as the top national domestic issue until 1968, more than half the voters polled in 1964 expressed concern for their safety.

Sensing the growing national concern, Presidential nominee Barry Goldwater escalated the issue when he introduced it into his acceptance speech at San Francisco on July 16, 1964. Before he raised the issue, practically nothing had been said in modern times—either by Presidents or by their advisors—about Presidential responsibility for District crime.

7. *The War on Crime*. Persons with short memories often assert that Richard Nixon, in his 1968 campaign, was the originator of the concept of a "War on Crime." Actually, the originator of the term seems to have been Mark O. Prentiss, who published an article, "War on the Growing Menace of Crime," in *Current History* of October 1925. In more recent times, Senator Goldwater complained in a St. Petersburg speech in 1964 that the Johnson Administration had proclaimed many wars, but no "war on crime," especially for the District. By March 1966, President Lyndon B. Johnson had adopted the term.

By 1968, in any event, the hue and cry had been raised with regard both to District and to national crime and law enforcement problems. Crime and law enforcement now topped the list of issues of concern, both locally and nationally. In that context, the 1968 Presidential campaign rhetoric on crime was anticlimactic. Obviously, though, it did nothing to alleviate growing public concern over the problem.

8. *News media influence*. In the early years of the study period—certainly in the late 1950's and early 1960's—the public fear of crime could not have grown as it did without being nourished by news accounts.[1] However, it must also be said that the news reports were mostly factual accounts of what police officers and political leaders were saying.

The public may have been made more conscious of crime by the practice of the Washington police department, going back at least to 1949, of releasing a monthly tabulation of reported crimes. Beginning in 1957, the statistical report was accompanied by a written analysis of trends and special problems. Thus the news media (and through them the residents of the area) were fed a repetitive monthly description of a worsening crime problem.

Throughout the period, the *Washington Post* "Crime and Justice" column was the only long-term journalistic analysis of the crime situation which could be described as generated by the news media rather than by the police or the government. In essence, the column was a small-print listing, on an inside page, of all crimes occurring in Washington during the preceding 24 hours. A variety of local interests—the Mayor, the Board of Trade, the Federation of Civic Associations, the police chief, and the prosecutor—tried from time to time to persuade the newspaper that the column was injurious to the image of the city and should be discontinued. The publisher and the editor of the paper responded that, although the column did concentrate the crime news at one location in the newspaper, it also served to get the stories off the front pages and into fine print, thereby diminishing rather than increasing their impact.

Because of complaints from blacks that the column gave the predominantly black inner city a "crime prone" image, the *Post* tried to expand its coverage to the metropolitan area. But it was only in the city that police agencies made available to reporters the teletype system over which virtually all reports of serious crimes were broadcast.

The newspaper executives always denied any political motivation behind the column. But from its inception, a few weeks after the 1969 Presidential inauguration, we assumed at police headquarters that the "Crime and Justice" column was intended primarily to hold Richard M. Nixon accountable for his promises to reduce crime in the District. Whatever the motivation, the column was begun on May 1, 1969, and was quietly discontinued shortly after Nixon resigned in 1974.

Although the column may have helped maintain a poor image of Washington, the column certainly did not create that image. By 1969, the notion that Washington streets were unsafe was firmly entrenched both locally and nationally. Furthermore, it would be hard to argue that the notion of a high crime rate in Washington was very much mistaken in 1969, when the crime rate was reaching its peak. But from the perspective of establishing a reasonable sense of security among residents and others, daily listings of crimes reported certainly did not help.

9. *Continuance of crime as public priority*. Despite the reported decreases in crime in the District after 1970, crime and law enforcement continued as a high priority among city voters, according to pollsters, into the 1974

[1] My analysis of the news media is based entirely on newspaper accounts. However, it is my recollection that these statements would apply equally to television broadcasts of the time.

city election period. By 1974, however, crime was a high priority across the nation, and there was a better appreciation, both locally and nationally, that the District of Columbia was not unique among cities in having high crime incidence. Certainly the locally elected City Council did not respond to the crime issue as Congress and the appointed city government had reacted in earlier years. During its first year in office, the elected Council paid little attention to street crime as an issue. In its 1976 budget, in fact, a major Council thrust was to reduce the budget and size of the police department.

In 1975, of course, many local governments were having to reduce budgets of police and other services because of decreasing revenues and rising inflationary pressures. Perhaps, too, no member of the predominantly black City Council wanted to be identified as a "law and order" spokesman. Finally, it is more than likely that the City Council's attitude toward crime was more closely attuned to local priorities than were the polls and the federally controlled city leaders in the 1950s and the 1960.

B. Summary

Public perceptions are developed through complex mechanisms. This chapter has illustrated the growth of the high level of fear of crime in Washington, which might be summarized as follows:

- A serious concern over crime in the District began to develop in the late 1950's and continued through 1975.
- Belief that the District was a uniquely dangerous city was prevalent not only among local residents, but also among the residents of cities which often suffered considerably higher crime rates than did the District.
- Fear of crime in Washington was stimulated to some extent by official police department statements; first, by crime statistics describing a reported worsening crime situation; second, by pessimistic statements by police officials lobbying for changes in criminal law procedures.
- A few incidents of crime against important persons generated a high level of local and national publicity about crime in the District.
- The Congress, with its national constituency, reacted differently to the problem than a locally elected council would have been likely to do. Legislative discussions gave a high level of local and national publicity to District crime.
- Racial bias may have exacerbated local perceptions of crime, and certainly generated much unfair comment on District crime within the Congress.
- Presidential election politics contributed heavily to a poor image of the city in the 1964 and 1968 campaigns.
- Although fear of crime in Washington might not have developed without news reporting, and although some policies of the media may have added to misconceptions, the media over the twenty-year study period was generally reporting what government officials were saying.
- Crime in the District continued as a high priority among voters into 1975, but their concerns were more sophisticated in that they understood that serious crime problems were not unique to Washington.

CHAPTER III. EXECUTIVE AND LEGISLATIVE RESPONSES

The Eisenhower Years (1955–1960)

During Dwight D. Eisenhower's first term as President, there were several consecutive years of decline in reported crime in the District of Columbia. Perhaps the most interesting law enforcement event of this period occurred in 1956. After reported crime had dropped by nearly 20 percent over a period of three years, the chief of police was able to persuade Congress to *increase* the size of the Metropolitan Police Department by 12 percent. Legislation calling for a minimum force of 2,500 officers was passed by Congress over the objections of the city's Board of Commissioners, whose president was concerned about financing the increase. The Commissioners apparently did not recommend veto of the bill, however, and it was signed by President Eisenhower on May 9, 1956.

Paradoxically, the increase in police manpower, at a time when the crime rate was low, was obtained by police officials lobbying over the heads of their superiors. Later increases, which would double the size of the force during high-crime periods, would be initiated *outside* the police department and in some cases would be virtually imposed on the department.

Corrections crowding was becoming a problem at this time, leading to formation by the Board of Commissioners of a Committee on Prisons, Probation, and Parole (Karrick Committee) to study chronic offenders. An interesting commentary on the times is that the committee concentrated on alcoholics, who were viewed as a significant police problem and certainly were a major correctional problem during the period. Little note was taken of more serious offenders.

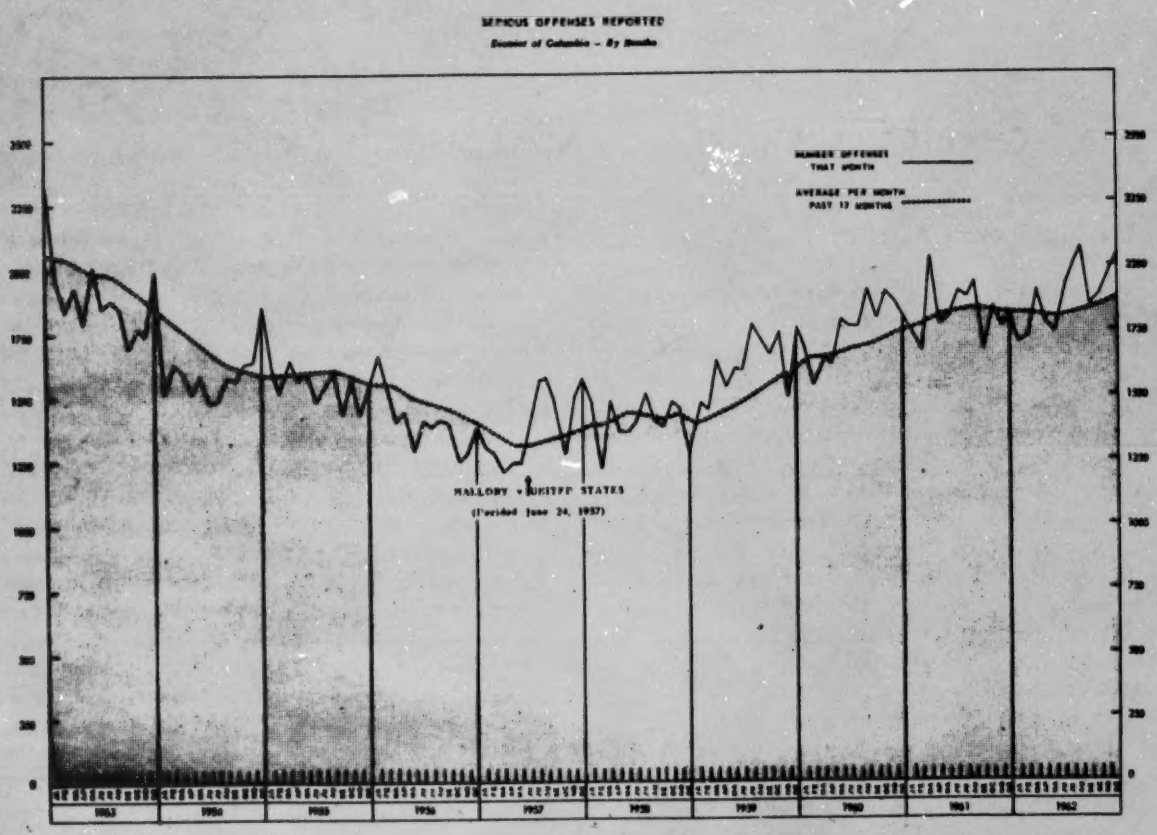
On June 24, 1957, the Supreme Court issued its ruling in *Mallory v. United States*. Whether *Mallory* was a substantial change from past rulings of the Supreme Court is open to question. The Court indicated that it was merely reaffirming prior rulings in *McNabb v. United States* [318 U.S. 332 (1943)] and *Upshaw v. United States* [335 U.S. 410 (1947)]. But neither the police, the prosecutor, nor the courts had been interpreting these rulings (or Rule 5(a) of the Federal Rules of Criminal Procedure, requiring arraignment of arrested persons "without unnecessary delay") to preclude questioning of arrested persons before arraignment. It is also debatable whether *Mallory* was a substantial impediment to police operations. Examining the Ethridge case, the Quarles case, and the Diggs case referred to in Chapter 2, we find that for each of these offenses, despite *Mallory*, the offenders were identified, apprehended, and charged by the police.

However much or little *Mallory* affected law enforcement in Washington, the police department's reaction was certainly not calculated to maintain high morale, particularly among those handling criminal investigations. Immediately after the ruling, the police chief said that it "ties the hands of the police department and renders them almost totally ineffective." A month later the chief of detectives told a congressional committee that, unless something were done, "detectives might as well go back into uniform because the only criminals they will be able to convict are the ones caught in the act." The police chief told the same committee that the overwhelming majority of serious cases were solved through interrogation and investigation between arrest and arraignment. Much of this was hyperbole, intended to persuade Congress to enact legislation to overturn *Mallory*—an effort that almost succeeded.

Coincidentally, the trend of reported crime in Washington, which had been generally downward for several years, began to increase. For fiscal year 1958, reported crime rose 10 percent. The police department annual report did not attribute the increase to *Mallory*, blaming it instead on "largely intangible" contributing factors. It was at the Joint House and Senate District Committee hearings in 1963 that the cause and effect relationship of *Mallory* to rising crime was first asserted by the police chief as illustrated by Graph 3–1.

Actually, what this graph illustrates most vividly is the result of a revised system of police manpower allocation—beginning in November 1958—which gave precinct commanders a strong incentive to report offenses as fully as possible. Moreover, with senior officials saying the police were "handcuffed" by a court decision, incentives for reducing (or perhaps for underreporting) crime were eliminated. The always-implied policy of the department was that any adverse crime situation was the fault of restrictive court rulings.

GRAPH 3-1


SERIOUS OFFENSES REPORTED
NUMBER OF OFFENSES THAT MONTH
AVERAGE PER MONTH PAST 12 MONTHS
MALLORY v. UNITED STATES
(Decided June 24, 1957)

The Ethridge article of 1958, which had such an impact on the public's perception of crime in Washington, also galvanized officials into action. The District Council on Law Enforcement recommended that the House District Committee create a special subcommittee to study the upward trend in crime. Representative Clare Hoffman (R.-Mich.) and, later, Representative Kenneth B. Keating (R.-N.Y.) called on the House to clarify *Mallory*. At the request of Commissioner Robert E. McLaughlin, the police chief established a board of three senior detectives to seek better methods of fighting crime, especially street assaults.[1] Commissioner McLaughlin and Police Chief Robert V. Murray undertook to assure the public that crime in Washington was really no different than in other cities, but assertions that *Mallory* impeded police work made better headlines. Congress nearly, but not quite, enacted legislation to clarify *Mallory*.

In August 1959 there was the mugging of the widow of former Deputy Defense Secretary Donald Quarles, the brandishing of a knife at Congressman Diggs, the murder of an Air Force sergeant, and a gang beating of a police officer. These events mobilized renewed official concern and action. Senator Robert C. Byrd (D.-W.Va.), on August 17, urged the Senate to take all possible measures to stop the upsurge of violence by youthful thugs in the District. Senator Alan Bible (D.-Nev.), chairman of the Senate District Committee, conferred with Commissioner McLaughlin, seeking possible solutions to the crime problem; Senator Bible recommended the addition of 500 officers to the police force. On August 26, Senator Mike Mansfield (D.-Mont.) proposed that the Senate not wait for the 1961 budget but add the police manpower to a supplemental appropriation for fiscal year 1960. The Senate Committee on Appropriations added 100 officers to the police force the following day.

Commissioner McLaughlin announced he would seek funds in future appropriations for a 3,000-man police force. Simultaneously, he proposed a comprehensive "crime census," adapting to local issues an idea suggested by former President Herbert Hoover in an article in *This Week* magazine. (The police department

[1] As president of the Board of Commissioners, Mr. McLaughlin was by tradition the member responsible for the police department.

staff pursued the concept for several months, but the notion waned because of little interest by Chief Murray.) A more lasting contribution of Commissioner McLaughlin to District police operations was the Canine Corps, which he inaugurated on September 30, 1959, borrowing the concept and hiring a trainer from Baltimore, which in turn had imported the idea from England. By the spring of 1960 a dozen man-dog teams were being trained for what eventually would be a corps of 100 teams.

Analysis

Crime in the streets, during the Eisenhower years, was considered by everyone to be a strictly local issue. Consequently, President Eisenhower never found it appropriate to mention crime as a public priority or as a responsibility of the federal government. For example, his speech to the International Association of Chiefs of Police in October 1960 was the polite farewell of a President soon to leave office, with no substantial references to crime as a serious problem.

Prior to 1957, the Boards of Commissioners under President Eisenhower seem to have paid little attention to issues of either crime or police operations. Crime was declining during those years, and policing was not a major public issue. The only obvious criminal justice concern of the Commissioners in the years just prior to 1957 was the serious overcrowding of corrections institutions, due to the large numbers of persons arrested and incarcerated for drunkenness.

When crime became a major issue after 1957, however, Commissioner McLaughlin assumed a strong leadership role. He "requested" the police chief to appoint a committee of police officials to find solutions to rising reported crimes; he tried to keep public perceptions of crime within a reasonable perspective; he conferred with Senator Bible on possible solutions; and he directed the police department toward such innovative approaches as the "crime census" and the Canine Corps. During those same years, Commissioner McLaughlin was actively seeking both to increase full integration of blacks into the city government and to defend the police department from allegations of racial discrimination and brutality.

Meanwhile, the Congress was operating, somewhat ambivalently, as both a national and as a local legislative body in its reactions to District crime. The House District Committee, which has often been accused of acting as city council for the District, was surprisingly inactive on the crime issue during the period 1957 through 1960. The early quest for legislation to overturn *Mallory* was, of course, handled by the Judiciary Committee. What the District Committee could have done—but did not—was send to the floor a bill increasing the number of judges on the District Juvenile Court. Despite the rising number of juveniles involved in crime, the increasing backlog of juvenile cases, and support for an enlarged Juvenile Court from virtually every quarter, the House District Committee kept the required legislation bottled up.

In the Senate, there was formidable and successful opposition to legislation overturning *Mallory*. As in the House, this issue was addressed by the Judiciary Committee, while the District Committee concerned itself with the need to expand the Juvenile Court. When concern over District crime rose to a high pitch, the Senate District Committee—with the blessing of the leadership—would move to increase the size of the police force as the only readily available solution. Meanwhile, the "Southern strategy" elements of the Senate were exploiting District crime as an argument against national legislation on civil rights. While this argument had little apparent impact on legislation pertaining to the District itself, it did give fresh publicity to District crime and contributed to misconceptions of the Washington crime rate.

The Kennedy Years (1961–1963)

The Board of Commissioners appointed by John F. Kennedy moved vigorously to increase community involvement in city government, while increasing the number and influence of blacks in city agencies.

At the outset, the Board appointed a number of small task forces to examine major operating agencies and to propose changes in them. The proposals for criminal justice were useful but relatively insubstantial: the reorganization of detective operations and the establishment of a court process for handling drunk cases. (The latter was intended to reduce the time police officers spent in court, but seemed instead to lead to more arrests for drunkenness.) Much more substantial were a Committee on Police Arrests for Investigation, appointed in 1961; and a Crime Council of citizens, appointed in 1962 to conduct hearings on ways to lessen the District's crime rate. Commissioner Walter N. Tobriner was also interested in the problem of government corruption. This concern led to the creation of a police department Internal Investigation Unit early in 1962 and, eventually, to a staff official responsible to the Board of Commissioners for internal investigations throughout the city government.

Meanwhile, a change in Congress would prove to have a major impact on the District's criminal justice system, and indeed upon the entire city government. In 1961 Senator Robert C. Byrd (D.-W.Va.) became chairman of the Senate Subcommittee on District of Columbia Appropriations. Senator Byrd had already demonstrated his interest in District crime problems, and he quickly dem-

onstrated that his interest had not diminished. He called the police chief and other senior police officials to weekend and night meetings, questioning them about crime and criminal justice; he began to visit crime scenes and precinct stations. Senator Byrd's activities encouraged the police department to launch a program of voluntary patrols by off-duty officers. Chief Murray was soon appearing at police roll calls with the Senator; Commissioner Tobriner also began to address police roll calls, urging the officers to increase their crime reduction efforts.

Beginning in 1961, the House and Senate District Committees began to take an active interest in District crime. Unfortunately, the various factions could agree on little in the way of legislative remedies, except for increases in the police force—increases which Chief Murray repeatedly stated would not be the final solution.

On March 26, 1962, Senator John Stennis (D.-Miss.) suggested that the White House should let the Commissioners and the Justice Department know that it was going to back them up in enforcing the law and prosecuting criminals in the District. This was the first time that anyone had suggested that the issue might extend beyond the city government to the Executive appointing authority. Two days later, however, Senator Thomas J. Dodd took the floor to lay the blame for rising crime in Washington primarily on inaction by the Congress. He made several specific proposals for congressional action, primarily aimed at reducing or eliminating the presumed "root causes" of crime, but including a rapid expansion of the police force and consideration of ways to remove the obstacles attributed to the court decisions in *Mallory* and in *Durham v. United States* (the latter related to insanity defense).

In June 1962, the Board of Commissioners appointed thirty-nine leading residents as a Crime Council to conduct hearings, precinct by precinct, on ways to lessen the crime rate. Reporting back one month later, the Crime Council agreed that one crucial need was better liaison between the community and the police. The council recommended a citizens' advisory group in each precinct, with a city-wide advisory board for the chief of police. Other recommendations regarding the police department were that police officers be required to live in the city and that the department reactivate an unpaid reserve corps composed of private citizens.

Chief Murray readily agreed with the idea of precinct advisory councils, but deferred on his own advisory board until experience was gained on the precinct level. (Nearly two years later, Commissioner Tobriner would personally appoint an advisory council to the police chief despite Murray's continuing reluctance.) The proposal for police officers to live in the city was the first affirmative statement of an issue which had been building in the District for several years. In 1963, the Tobriner-led Board of Commissioners would require that, in appointments and promotions to city jobs, preference was to be given to city residents, among otherwise equally qualified candidates. However, this regulation could not apply to police and fire positions because of prior congressional provisions. And the House District Committee would later obtain enactment of a rider to a city revenue bill, prohibiting any preference in employment on the basis of city residence.

The police department would gradually build up a large and active reserve, as proposed by the Crime Council. However, legislation needed for uniforming its members and for providing them with personnel benefits were destined to fail, despite support from the Board of Commissioners (and later the Mayor) and the acquiescence of the police department.

Although concern over crime in the District was growing in 1961 and 1962, the crime rate actually waned during this period. Reported crime dropped 7 percent in September 1961 and continued on a relatively level trend for the rest of the fiscal year. In fiscal year 1962, reported crime was slightly more than 1 percent below the previous year—and, despite several increases since 1957, was still 12 percent below the record peak of 1953.

The Committee on Police Arrests for Investigations submitted its report in July 1962, concluding that investigative arrests were not authorized by law and recommending that the practice stop immediately. A few days later, Chief Murray testified before the Senate Subcommittee on Appropriations that such a ban would "just about put [the police] out of business." This statement led Chairman Byrd to declare to Commissioner Tobriner his opposition to the ban on investigative arrests. That and similar pressures apparently influenced the Board of Commissioners to defer final action on the report. Shortly after the joint hearings on District crime by the House and Senate District Committees began in 1963, however, the Board of Commissioners adopted regulations prohibiting police arrests for investigation.

The 1963 joint hearings demonstrated the increasing concern in Congress over the Washington crime problem—stimulated by disorders with clear racial overtones which had broken out after a traditional Thanksgiving Day 1962 city-wide high school championship football game. Interest in District affairs was also growing in the White House, at least at the staff level. President Kennedy had appointed Charles Horsky as White House Advisor on National Capital Area Affairs. Breaking from past practice, the President, in January 1963, submitted a separate budget message on the District for fiscal year 1964. Brief reference was made in the mes-

sage to the right of individuals to be able to live and walk safely in the Nation's Capital.

At the joint District Committee hearings, Commissioner Tobriner supported legislation to modify the *Mallory* rule. Former U.S. Attorney Oliver Gasch, who previously had indicated that *Mallory* was workable, noted that the *Killough* decision of the District of Columbia Court of Appeals had increased the restrictions—and the confusion—to such a point that legislative remedy was needed. U.S. Attorney David C. Acheson noted that the recent decisions of the Court of Appeals had made *Mallory* so rigid as to be literally impossible to work with, and indicated he personally would favor an outright repeal of the rule. Chief Murray reiterated his position that the police force had enough men, if only the restrictions on police activities were lifted.

But the closed hearings, held on neutral ground at the center of the Capitol, resolved nothing. The issue of crime went back to the House and Senate District Committees, which began separate hearings.

In collaboration with Chairman John McMillan (D.-S.C.) of the House District Committee, Chief Murray undertook to develop support from his colleagues around the country for action against the *Mallory* rule and the ban on investigative arrests. Police chiefs from cities over 500,000 population had recently met in Chicago to establish a loosely knit group of "Major Cities Police Administrators." Chief Murray sent each of them a personal letter, with supporting information, soliciting recommendations for legislative revision of both the *Mallory* and the investigative arrest restrictions. Moreover, he arranged for oral testimony from such witnesses as Superintendent O. W. Wilson of Chicago and Chief Stanley Schrotel of Cincinnati at Senate District Committee hearings.

Despite the lobbying effort, legislation was not forthcoming from the Senate. What did emerge, early in the Senate District Committee hearings, was a proposal from Chairman Alan Bible for increasing the police force to 3,500 men.

Although devising a solution to rising crime was a major topic of 1963, it certainly was not the only issue facing the city. Questions over the training of police officers arose after a partially trained recruit was killed while patrolling alone (see Chapter 4). And the Board of Commissioners was pressing forward with Crime Council recommendations for precinct advisory councils, for removing racial discrimination in police appointments and promotions, and for training of police officers in police-community relations.

Of more general concern were plans for a Rally for Jobs and Freedom, which would attract more than 200,000 participants to Washington in August 1963. For the first time since the clearing of the "Bonus Army" a generation earlier, the executive branch of the Federal government made concrete preparations to intervene in District government operations. A command post for the Military District of Washington and an office staffed by a representative of the Attorney General were installed in police headquarters. As it turned out, the rally was entirely peaceful. The preparations served mainly as a pattern for meeting future civil disruptions.

Before the Kennedy years came to their tragic close, the House passed an Omnibus Crime Bill which would have modified the *Mallory* rule and restored the police power to make arrests for investigation. The measure was vigorously opposed in the Senate District Committee by Senator Wayne Morse (D.-Ore.), who accused Chief Murray of seeking "police state" powers. Senator Morse threatened to mount a thorough investigation of the police department. He eventually did direct a series of questionnaires at the Board of Commissioners, and generated a survey of the department by the General Accounting Office.

Analysis

As during the Eisenhower years, issues relating to "street crime" were viewed during the Kennedy Administration as a purely local matter. Similarly, the concept of Presidential responsibility for District crime was substantially dormant. When Senator Stennis suggested an Executive Branch responsibility for Washington law enforcement, the notion was quickly and effectively squelched by Senator Dodd.

In any event, President Kennedy apparently paid scant attention to the District crime problem, though he did strengthen the ties between the White House and the District government by appointing Charles Horsky to the White House staff. Kennedy mentioned the District crime issue only once in a public statement, and then in the context of race relations rather than law enforcement priorities. His 1963 Budget Message for the District did stress the right of individuals to live and work safely in the Nation's Capital, but this came across as Presidential staff interest rather than as a Presidential priority.

The Board of Commissioners, meanwhile, was moving forward aggressively to involve citizens of the District in their government. The Organizational task forces for operating agencies, the Committee on Police Investigative Arrests, and the Crime Council all had major implications for police operations. The Board of Commissioners moved this program forward—both during and after the Kennedy years—despite direct and sometimes strenuous opposition from Congress in such matters as banning investigative arrests, giving priority to city residence, and appointment

and promotion of blacks in the police department. Commissioner Tobriner constantly pressured Chief Murray to keep his statements regarding reported crime in perspective, with the result that Murray in October 1963 was pointing out to *U.S. News and World Report* that Washington was eighth among sixteen cities of similar size in reported crime. (The article's headline, however, was "WHY SO MUCH CRIME IN THE NATION'S CAPITAL.

Congress continued, through the Kennedy years, to construe itself as the city council for the Nation's Capital. Perhaps the concept was best demonstrated by the statement of Congressman John McMillan who, during opening of the 1963 joint hearings on crime, said: "The command of the Constitution is that, in this city, the Congress is to exercise exclusive legislation in all cases whatsoever. No matter how the local government is operated, or what powers the Congress may delegate, the Congress cannot relieve itself of this duty."

Such sentiment for direct control of the city government was more prevalent in the House than in the Senate, but on both sides the consensus was that Congress was the legislative branch of the city and the Board of Commissioners was the Executive Branch. In this arrangement, the President seemed to be viewed merely as an appointing authority of the Commissioners (who served terms fixed by law rather than at pleasure of the President) and of judges and some other functionaries. Neither the President nor federal agencies were expected to assume either authority or responsibility for city operations.

In this context, it was not surprising that various senators and congressmen would demand that the Board of Commissioners defer the ban on investigative arrests, or that Chairman McMillan would insist (September 12, 1963) that the police department was directly responsible to Congress, and that the Commissioners ought not to tell the police chief or other police officials how to transact their business.

The Johnson Years (1963–1968)

When he assumed office, Lyndon B. Johnson had no notion of arousing the national consciousness of crime, nor of assuming a new Presidential role regarding crime in the District of Columbia. Like President Kennedy a year earlier, President Johnson sent to Congress a separate budget message for the District for fiscal year 1965. Kennedy's message had made subdued reference to the crime problem; Johnson's barely implied that a problem existed. The tone was more one of strengthening organizations than of addressing objective problems.

The budget message reflected the mood of early 1964. Congress showed no interest in pursuing the issue of District crime. Even the police department seemed to have lost its interest in crime problems: the focus was on administrative issues such as recruitment, training the backlog of recruits, and studying computerization and records processes. The Commissioners, too, were interested in matters other than a direct attack on crime: they appointed a Citizens Advisory Committee to the Chief of Police in May.

This is not to say that there were no references whatever to District crime in early 1964. The "Southern strategy" senators still employed the District as a "bad" example in their speeches. And in June, Senator Gordon L. Allott (R.-Colo.) took to the Senate floor to deplore the lawless situation in the country and to describe Washington as a "jungle."

It would be the Presidential campaign, however, which drastically changed the federal response to both national and District of Columbia crime problems.

At the outset it did not materialize as a District issue. Senator Barry M. Goldwater (R.-Az.), in his July 16, 1964, acceptance address to the Republican National Convention, mentioned crime as a national problem:

> "Tonight, there is violence in the streets. . . . The growing menace in our country tonight, to personal safety, to limb and property, particularly in our great cities, is the mounting concern or should be of every thoughtful citizen. . . ."

No specific mention was made of the District of Columbia.

The early response of President Johnson was that "the United States is one of the few nations which does not have a national police force. The Constitution provides that responsibility for law and order should be vested in the states and the local communities as a protection to the individual." But President Johnson's argument did not pertain to the District of Columbia. Both the Republican and the Democrat campaign strategists must have realized this fact.

Almost as if the Democrats knew what was coming, the White House in August directed the Federal Bureau of Investigation to provide a special report on law enforcement in the District. The FBI response, predictably, reflected the local police department view: reported crime was rising faster than in comparable cities, the *Mallory* and *Durham* rules were handicapping police, and more personnel and funds were needed. The Uniform Arrest Act should be enacted and provision made for police interrogation of arrested persons.

That Senator Goldwater had interjected a "sleeper" issue into the campaign was verified by the Harris Poll at the end of August, which showed a majority of Americans more worried about safety in the streets than they

had been a year earlier. This concern was especially pronounced in eastern cities—where Goldwater badly needed support.

If the Republican nominee had been general in his first references to crime, the vagueness was gone when he addressed an audience at St. Petersburg, Fla., on September 16, 1964. He lambasted the Supreme Court—and the President as appointing authority—for extending federal rules of evidence to the states and for its *Mallory* decision. Senator Goldwater also seized on the Washington situation as the one example where the administration could be held directly responsible for law enforcement: "While [the President] meddles, the Nation's Capital is being consumed by crime," he said. "Here is a Federal responsibility—the domestic tranquility of the District of Columbia. What, you might ask, has my opponent done to fulfill his grave responsibility toward law and order in our Capital City? We have heard of and seen many wars in the time of the present administration. But have we yet heard of the only needed war—the war against crime? No, not even in the city whose rule lies in the hands of the Federal Government."

Responses to Goldwater on the crime issue came from friends and subordinates of the administration rather than from the White House. Senator Dodd took to the floor of the Senate to argue that reported crime in Washington made its most significant increases during the Eisenhower administration. Despite its reported crime increases, he pointed out, the Nation's Capital still ranked thirteenth in crime among the nation's larger cities. In contrast, Senator Goldwater's home city of Phoenix ranked fourth.

In the District, U.S. Attorney David C. Acheson disputed the Goldwater attack on Supreme Court decisions as a contributor to rising crime: "Court decisions on how to treat a criminal after arrests have about as much effect [on crime] as an aspirin on a tumor of the brain." Acheson called for an end to criticism of the courts and an effort to attack the causes of crime—school drop-outs, poverty, and substandard housing and education.

In the midst of all this, it was disclosed by anonymous tipsters that Walter Jenkins, a top White House aide, had been arrested October 7 on a disorderly conduct charge of "indecent gestures." Such an incident would ordinarily have gone unmentioned during even a political campaign, especially since Mr. Jenkins immediately resigned. But reporters discovered Mr. Jenkins had been arrested on a similar charge in 1959—a fact known to the FBI and the Secret Service. The Goldwater camp implied that, whether or not the President had knowledge of the earlier incident, the responsibility for selection and security among his staff must ultimately rest with him.

The impact of the Jenkins episode on District law enforcement was indirect but important. The common belief in the upper ranks of the Metropolitan Police Department was that President Johnson blamed the department for disclosing the incident and that he was determined to take charge of the department and change it more to his liking.

That the President blamed the police department for disclosure of the arrest is plausible. Some person or persons had made a special effort to tell reporters to look at the Morals Division arrest book for the time of the booking. However, the tipster or tipsters could have been virtually anyone: the FBI, investigating the matter for its report to the President, found that rumors of the arrest of a senior White House aide had apparently been sweeping through the police department headquarters even before the story broke publicly.

The *Washington Post* took the speech of U.S. Attorney Acheson (see above) and used it as a platform from which to chide Chief Murray for his long-standing opposition to the *Mallory* rule. Acheson's speech was obviously a response to Goldwater campaign rhetoric. The *Washington Post* editorial, although addressed to Chief Murray's views, almost certainly was also a Presidential campaign message. But Chief Murray, as were virtually all career Metropolitan Police Department officers, was an apolitical civil servant. He fired off a letter to the *Washington Post*, reaffirming his opposition to *Mallory* and, what is more, pointing out that at the 1963 joint hearings of the House and Senate District Committees, U.S. Attorney Acheson had also favored "outright repeal of the *Mallory* rule," as had Commissioner Tobriner and, in a later hearing, Deputy Attorney General Katzenbach.

Chief Murray's letter appeared in the *Washington Post* at the finale of President Johnson's campaign on the issue of District of Columbia crime. In a letter to the President, Commissioner Tobriner laid out in detail the efforts taken by the Kennedy and Johnson administrations to reduce crime and eliminate or reduce the causes of crime. The President responded with a letter assuring the Commissioner that the Johnson Administration would "continue to stimulate, aid and encourage the District efforts in every way." (It is interesting that President Johnson pointed out that "crime within our cities is basically a responsibility for local authorities" for this was a notion which would not again pertain to the District for the ensuing decade.) The Tobriner/Johnson letters were released for publication on October 25, 1964, nine days before the election and one day before Chief Murray's letter appeared in print.

In mid-November, Chief Murray announced that he would retire at the end of the month. (He told me that he had been ordered to retire, but he did not indicate the

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reason for the order—if he knew it—nor from whom the order came. It may have resulted from his letter to the *Post*, from the Jenkins affair, or from a combination of these and other factors.) Almost immediately, the Board of Commissioners announced that Murray's successor would be John Layton, a career Metropolitan Police Department official. It was widely believed in the department that President Johnson was furious about the appointment—that the White House had been making plans for an outside expert to take charge of law enforcement in the District of Columbia. Further, it was believed that Commissioner Tobriner, by failing to consult with the White House, had forfeited for all time his chances for appointment to a federal judgeship.

As the new administration began to take shape in 1965, the authority over District law enforcement strategy began to move away from the Board of Commissioners and into the Executive Branch. Nicholas deB. Katzenbach—Johnson's nominee for Attorney General—announced that the Justice Department would help the District cope with its crime problems. One of his first goals would be to make the capital a model city in crime prevention and the administration of justice. On February 15, President Johnson sent to Congress a Special Message on the Needs of the Nation's Capital, with a major portion devoted to issues of public safety. On March 8, he followed up with a Special Message on Law Enforcement and Administration of Justice, proposing the Law Enforcement Assistance Act of 1965 and announcing that he would appoint two Presidential commissions: one of Law Enforcement and Administration of Justice and another on Crime in the District of Columbia.

Renewed interest in District crime was also visible in the Congress. Both the House and the Senate District Committees commenced hearings on the subject. In the House, the emphasis was on restoring police authority to arrest and to question suspects in criminal cases. In the Senate, newly elected Senator Robert F. Kennedy (D.-N.Y.) emphasized social reform, while Senator Bible continued his interest in increasing the size and effectiveness of the police force.

In an immediate legislative sense, the Senate District Committee hearings that year were fruitless, but a foundation may have been laid for the future. Unable to develop a legislative remedy, the committee arrived at the one solution agreeable to everyone: Chairman Bible directed the police chief to submit a comprehensive list of proposed budget requests for strengthening the police department. Taking a short cut around normal budgeting procedures, Senator Bible interjected the list into the fiscal year 1966 budget hearings then underway before the Senate Subcommittee on District Appropriations. Immediate budgeting approval was thus obtained for a saturation patrol force, for more school crossing guards, and for additional automobiles to inaugurate a one-man scout car program.

To underscore his support for the anti-crime provisions of the amended 1966 budget, President Johnson signed the appropriations bill on the same day he signed the Executive Order establishing the President's Commission on Crime in the District of Columbia. Called to the White House for the ceremony were Attorney General Nicholas Katzenbach, FBI Director Herbert Hoover, retired Federal Judge David Pine (who was appointed to the Crime Commission), Commissioner Charles Duke (representing the Board of Commissioners), and Police Chief Layton.

In the months after July 1965, coordination of crime-fighting efforts in the District was informally but effectively shifted from the Board of Commissioners to a loose coalition of the Crime Commission staff, the Office of Criminal Justice under the Deputy Attorney General, and the newly created Office of Law Enforcement Assistance (OLEA, predecessor to the Law Enforcement Assistance Administration). None of these laid claim to any direct authority over District criminal justice agencies, but each was able to exercise significant authority through their suggestions and questions, which were carefully heeded by most District agencies.

The Crime Commission, for example, seeing a management survey of the police department as a fundamental need, arranged for the work to be done on contract by the International Association of Chiefs of Police. The IACP, as a membership organization of police chiefs, refused to survey any police department without a request from the chief. Under pressure from the Crime Commission, Chief Layton signed the letter of request, even though six months earlier he had specifically disapproved a police department staff recommendation for such a survey.

Later, when President Johnson directed that 15 percent of the initial $7.5 million OLEA appropriation go to the District, the IACP consultants worked with the Crime Commission staff and the OLEA staff to develop a list of grant projects, going beyond the planning and development and computerization proposals readily accepted by Chief Layton.

It was not only in the police department that the federal agencies were busy. The Crime Commission and OLEA staff pressed forward with an experimental detoxification center for alcoholics. The Office of Criminal Justice, OLEA, and staff of the District of Columbia and the National Crime Commissions began working with the Court of General Sessions in an effort to improve its efficiency, enhance its dignity, and strengthen its proba-

tion services. The Justice Department began a thorough study of the court, which would take a year before completion and final report.

On balance, the federal establishment under President Johnson exercised its authority over District criminal justice affairs by persuasion rather than command. Nevertheless, from late 1965 through the end of the Commission form of government in late 1967, the assumption pervaded the District criminal justice system that approval of the Justice Department's Office of Criminal Justice was indispensible to any major new project, both as an assurance of approval at higher levels and as a lever to break through bureaucratic delays.

By the end of 1965, there were some indications of success in combating District crime. Citing increased patrol forces, improved communications, and community cooperation as reasons, Police Chief Layton reported that crime for December had declined for the second consecutive month, after more than three years of increases.

In 1966, President Johnson sent to Congress a District budget recommending continuation of the police tactical force plus additional civilian employees and cadets and full financing for the OLEA-sponsored planning and development bureau. Although the police department was the only public safety agency singled out for mention in the President's message, concern was obviously growing in the Federal Government over the District of Columbia courts. Attorney General Katzenbach, complaining in a February interview that conditions in local courts made assembly-line justice virtually inevitable, suggested that a complete redesign of the courts might be necessary.

The International Association of Chiefs of Police delivered its report to the Crime Commission in April 1966, recommending a complete reorganization of the Metropolitan Police Department. To avoid delay in implementing the IACP recommendations while the full Crime Commission report was being completed, the commission delivered to the President a preview of its police chapter, which was based substantially on the IACP survey. President Johnson released the recommendations in July, remarking that the report was a "blueprint for action" and directed the commissioners to report to him in ninety days, and periodically thereafter, on implementation.

Almost immediately, the House District Committee challenged the authority of the President to reorganize the police department without consulting Congress. A resolution was approved by the Committee and passed by the House calling for action to be delayed until Congress had had an opportunity to review the final Crime Commission report, then expected by September 15 (it would actually be delayed until December 15).

Other conflicts were to develop between Congress and the Executive Branch before the end of 1966. In August, two separate, limited disorders occurred in the precincts east of the Anacostia River. The first, directed against the Eleventh Precinct station house, apparently was fomented by leaders of a neighborhood development program financed by federal anti-poverty funds. The precinct was given a new commanding officer who, in an effort to improve relationships with the community, replaced some senior white police officers in scout cars with junior black officers. The white officers complained to Senator Byrd (D.-W. Va.)—still chairman of the Senate Subcommittee on District Appropriations—of what they termed "wholesale integration of scout cars" and "prejudice in reverse." Meanwhile, the Fourteenth Precinct experienced an outbreak of disorder when unruly youths began stoning passing automobiles, setting trash fires, and sounding false fire alarms. The precinct commander elected to keep police officers outside the area while community leaders quelled the disturbance through persuasion.

Visiting the Eleventh Precinct, Senator Byrd discussed at length the morale problems of precinct officers, particularly the complaints of officers replaced by junior officers in scout cars. Assured that the personnel changes in the Eleventh Precinct were only temporary, to settle down the community, the Senator let the subject drop and moved on to the Fourteenth Precinct. There he confronted the commanding officer for sending citizens rather than policemen to quell the rock-throwing youngsters. This was an issue he would not soon drop. He brought it up in a long speech to the Senate, calling upon the government to do its duty in enforcing the law, and again in budget hearings of the police department.

Meanwhile, Senator Joseph D. Tydings (D.-Md.) a member of the Senate District Committee, began steps to initiate a massive management study of the District court system, as had been proposed a year earlier by the Crime Commission but rejected by the judges.

In the midst of all the activity regarding crime in the District, the administration was moving on the national level as well. At a surprise appearance before a conference at the University of Maryland, President Johnson declared his "war against crime in America," calling for wide-range efforts to reduce crime and to strike down poverty, "the real enemy."

Finally the House and the Senate agreed on a bill modifying the *Mallory* rule, redefining the insanity defense for the District, and permitting the police to hold and question suspects without charge. President Johnson vetoed the bill, however, citing recommendations from two members of the Board of Commissioners and a majority of the District of Columbia Bar Association, as

well as constitutional questions raised by Acting Attorney General Ramsey Clark. In his veto message, he announced that the Board of Commissioners was putting into effect the reorganization of the police department recommended by the Crime Commission.

The battle between Congress and the Johnson Administration for control over the police department continued in 1967. The House District Committee, asserting that the Metropolitan Police Department was a creature of the Congress, opened subcommittee hearings on police recruitment problems. The hearings emphasized the findings of a committee consultant that morale of the District police was poor. Secondary issues, interjected by the Policemen's Association, arose from the IACP-Crime Commission recommendation for internal reorganization of the police force. Objections were stated to changes in detective operations, to the one-man scout car program, and to consolidation of police precincts, not to mention the erroneous belief among Policemen's Association representatives that the Crime Commission had proposed a major reduction in the Canine Corps.

The eventual result of the hearings was minimal. The police department did implement the committee consultant's suggestion for providing paid legal counsel to officers accused of misconduct, but the service was rarely utilized by police officers (see chapter five).

Meanwhile, the Johnson Administration was reinforcing its ties with the police department. In March 1967—two weeks after being sworn in as Attorney General—Ramsey Clark invited the police chief and five senior staff officers to a luncheon to discuss law enforcement issues in the District and to reiterate the Administration's support for crime control. The Office of Criminal Justice, Office of Law Enforcement Assistance, and Crime Commission continued to press for such changes as an in-house legal counsel for the police department, review of the department's recruiting and entrance examination procedures, and guidelines for arrests in situations of disorderly conduct.

During hearings on the fiscal year 1968 budget, Senator Byrd persuaded Senator Carl Hayden (D.-Az.) chairman of the full Committee on Appropriations, to invite agencies of the local criminal justice system to send representatives to hearings on District of Columbia crime and on steps taken to implement the recommendations of the District Crime Commission. By thus raising his purview to the level of the full committee, Senator Byrd was able to elicit testimony relating to the operations of the U.S. Attorney's Office, the U.S. District Court, and the Circuit Court. These federal judicial officers were highly important to District criminal justice, but ordinarily their operations were beyond the scrutiny of the Subcommittee on District Appropriations; their budgets came through Subcommittees on the Justice Department and the Judiciary.

Senator Byrd, as was his fashion in appropriations hearings, devoted a great deal of time and effort to the sessions on criminal justice matters. For the first time, representatives from all elements of the criminal justice system were brought together and required, in the presence of each other, to discuss the problems and performance of their agencies with a well prepared, hard questioner possessed of the authority to demand answers and follow-up reports. Senator Byrd ranged over the gamut of administrative issues, from police recruitment to court delays, prosecutorial case reduction practices, juvenile court processes, and parole and probation policies.

Senator Byrd forced the Justice Department and the Courts to develop and implement a plan for bringing visiting federal judges to the District, in an effort to reduce the backlog of felony trials. He convinced Juvenile Court Chief Judge Morris Miller to change the procedures for processing juvenile offenders. Moreover, he influenced the Federal Civil Service Commission to work with the police department in developing new, wide-ranging programs for police recruitment.

Senator Byrd might eventually have forced the substantial changes needed to create a *system* of criminal justice for Washington. But other events intervened. Even as his budget hearings for fiscal year 1968 were underway, the city government was being reorganized; witnesses from the city at budget hearings the following year would be different persons. More important, the April 1968 riots would flood the courts with an overflow of cases, and programs instituted at Senator Byrd's insistence would be lost in the overwhelming workload. Before criminal justice matters would again settle down, Senator Byrd would have left the Subcommittee on District Appropriations.

As these events were evolving on Capitol Hill, the President had sent to the Congress Reorganization Plan No. 3 of 1967, replacing the three-man Board of Commissioners with a single Commissioner, an assistant, and a nine-member City Council. All of these officials would be Presidential nominees subject to Senate confirmation. The new government was installed November 3, 1967, with President Johnson telling the new Commissioner, Walter E. Washington, that he was analogous to a Mayor and was to act as such. (The House District Committee, which had opposed any change in the city government, refused to follow this lead, and never referred to the appointed Mayor by any other title than "Commissioner." The general usage "Mayor-Commissioner" evolved from this disagreement.)

President Johnson made clear to the new government that crime reduction in the District was a major priority.

He told the City Council at their swearing in to "help us find ways immediately to start driving crime from our midst." Some two weeks later, the President was directing Mayor Washington and his deputy to work closely with senior Justice Department officials to develop plans for an all-out effort against District crime. An outgrowth of the President's directive was an Office of Public Safety in the city government. Mayor Washington announced appointment of Patrick Murphy, until then an official of the Office of Law Enforcement Assistance, as Director of Public Safety; simultaneously, he announced a 21-point program of crime control. Shortly thereafter, he also ordered reorganization of the parole function, placing the Parole Board under the Department of Corrections as recommended by the Crime Commission.

The final action of 1967 important to District crime was the signing by President Johnson of a substantially modified version of the District of Columbia Crime Bill (which he had vetoed in 1966). The only controversial provisions were for some mandatory penalties and for allowing police officers to question arrested persons for up to three hours prior to arraignment.

It was clearly the policy of the Johnson Administration, as the reorganized city government began to take hold in 1968, to phase out the influence of the White House staff and Justice Department officials over District affairs, except as assistance might be requested by the Mayor. The White House staff position of Advisor on Metropolitan Washington Affairs was abolished; the follow-up in the Department of Justice on implementation of Crime Commission recommendations came to an end. (The Justice Department did, however, continue its work on disorderly conduct arrest guidelines.) There would, of course, be federal influence over the city during the April riots, and the Department of Justice would have a principal role in planning for the Poor People's Campaign during the summer. But the day-to-day operation of District criminal justice would be left substantially to the newly appointed city government.

What might have been if Dr. Martin Luther King, Jr. had not been assassinated is difficult to say. Perhaps the new city government would have found a way to develop the kind of community support for law enforcement needed for effective crime control.

A major concern of the new city government was to improve the image and morale of the police department. As a start, Mayor Washington and Safety Director Murphy met with a group of some 500 members of the Policemen's Association to exchange views on law enforcement policies. They received a standing ovation. But the rapport quickly cooled: dissatisfaction began to develop when Safety Director Murphy, disregarding objections of Chief Layton, reached down the seniority list of captains to promote the first black to the rank of Inspector. Matters were brought to a climax when Mr. Murphy, appointed as head of Field Operations, simultaneously announced that 90 percent of authority previously vested in the police chief would thereafter be assumed by the Public Safety Director and passed to the force through my office.

The Policemen's Association immediately responded with a call for a meeting with the Mayor, charging that recent developments had caused department morale to fall to an all-time low. The House District Committee also joined the issue, calling a meeting to discuss with Safety Director Murphy exactly how he visualized the working of the revised organization.

The April 1968 riots following assassination of Dr. King brought renewed efforts by the Congress to reestablish its influence over police department operations. Speeches in the Senate and House sometimes criticized and sometimes praised the city's handling of the riots. Hearings on such unrelated matters as the District Revenue Bill became arenas for discussing the riots and the police response. Concern grew with respect to the impending Poor People's Campaign, to be housed on the Mall; the House District Committee held hearings in May to discuss that matter as well as the police response to the riots.

The notion of separating the police department from the city government—a separation which has existed at times in many cities and which still exists in some—was gaining favor in Congress. Legislation was proposed in the House to give control of the Metropolitan Police Department (as well as the U.S. Park Police, the Capitol Police, the White House Police, and the National Zoological Park Police) to a single congressionally appointed commissioner, who would be entirely independent of the city government. The bill was not enacted, but within a year Congress would abolish the Office of Public Safety.

Meanwhile the 1968 Presidential campaign was beginning. On May 8, Richard M. Nixon released a policy paper on crime, making it clear that crime would be an issue in the campaign. He pointed out that in the District the authority of the Federal Government was great and its prerogatives many, and that "Washington, D.C., should be a model city as far as law enforcement is concerned."

One week later, Mayor Washington announced that he would place 200 additional police officers on patrol each day during peak crime hours. And before the end of May, President Johnson announced that the Mayor wanted to increase the police force by 1,000 men, to a total of 4,100 officers, and that the proposal would be taken to Congress as rapidly as possible.

Gilbert Hahn, chairman of the District's Republican

organization, responded that this proposal was a "good start," but urged instead that the force be doubled to 6,000 officers. He also recommended doubling the number of judges, prosecutors, and office personnel in the U.S. District Court and *tripling*, if necessary, the number of judges, prosecuters, and support personnel in the Court of General Sessions. Within the month, Richard Nixon endorsed Hahn's counter-proposals and declared that, "if the full authority of the President and the full commitment of the Federal Government are thrown into the balance in a city-wide war on crime here—that war will be won."

On a broader front, President Johnson signed the Omnibus Crime Control and Safe Streets Act of 1968 on June 19, and the Administration set out to implement its provisions, especially the organization of the Law Enforcement Assistance Administration (LEAA). The new legislation also included a virtual repeal of the *Mallory* doctrine. By this time, however, so many other changes had occurred in the processing of arrested offenders that the legislation was more an expression of the mood of Congress than a practical measure for strengthening criminal investigation. The need for warning of rights, the increased availability of counsel, the heightened consciousness among offenders of their rights, the abolition of investigative arrests (in the District and probably elsewhere)—all had drastically reduced reliance on confessions as a law enforcement technique.

In the midst of these election-year politics, a new and different battle for control of the police was taking shape. On July 2, a police officer was killed and his partner seriously wounded while making an arrest in the 1300 block of Columbia Road, N.W. The Black United Front, a six-month old coalition of civil rights moderates and militants, unanimously approved a statement saying in part that "the alleged slaying of the honky cop is justifiable homicide in the same sense that police are allowed to kill black people and call it justifiable homicide." The statement went on to propose that "The police assigned to the black community be placed under control of the black community." Two weeks later, the City Council directed its Public Safety Committee to initiate an immediate study of police-community relations and report back to the full council by August 6. The hearings became a forum for various spokesmen on the BUF theme of neighborhood control of the police.

The District Democratic Committee criticized the Council for failing to experiment with neighborhood control. Their spokesman also called for ousting Chief Layton and finding "a black officer in this or another city who is capable of assuming this important position." The Democratic organization also endorsed several BUF proposals (and added several of its own) for community control of the police department.

In August, the City Council adopted a statement of policy calling for substantial citizen influence in police affairs. Because it lacked the authority to institute these reforms, the Council later called upon the Mayor to implement its recommendations for civilian examiners and trial boards to hear charges against police officers, for integrating two-man beats and patrol cars, and for precinct boards. (The Mayor would eventually order integrated patrols, but disregarded the other proposals.) The Council also adopted regulations (approved by the Mayor in January 1969) limiting the discretion of police officers in the use of their service revolvers.

In October, President Johnson nominated Safety Director Patrick Murphy to be the first administrator of the Law Enforcement Assistance Administration. After the election, however, the Senate deferred action on the nomination, and it was not resubmitted by President Nixon.

Analysis

The concept that the Federal Government, and especially the President, bore no responsibility for preventing common law crimes was somewhat diminished by the 1964 campaign. Immediately after the election, President Johnson began to construct machinery for a federal-state partnership in crime control, through OLEA and later LEAA. In the District of Columbia he set out to control the executive-branch agencies of criminal justice and to press for improvements in the judicial branch.

The President's "war against crime" followed the approach taken by his surrogates in the campaign—i.e., that government should address the root causes rather than the symptoms of crime. The "root cause" theme fitted very well with Johnson's Great Society. All kinds of educational, housing, recreational, and welfare programs could be charged to crime-fighting under this concept.

On the local level, however, the President was more interested in improving police operations. Looking back, we get the distinct impression that the Administration held two somewhat contradictory views of how to improve law enforcement and reduce crime in the District of Columbia. First, there was the notion that what was needed was to "professionalize" the police: better training of a more educated police force, together with improved management techniques. Yet the view also persisted that the way to deal with crime was through uniformed police patrols. Consequently, the Johnson Administration applied the traditional remedy: it pressed additional manpower upon a police chief who was insisting that what he really needed was legislation to enhance criminal investigations. Legislation—at least the kind

desired by the police—was not on President Johnson's agenda. The Administration obviously doubted its capacity to control the police if their authority were increased through legislation.

In contrast to its mandate for a rapid improvement of police operations, the Johnson Administration seemed reluctant to press for similar improvements in the courts. No doubt this stemmed in large part from an appropriate deference to the prerogatives of a separate branch of government. Still, the perhaps-cynical view of many observers at the time was that it derived mostly from "professional courtesy"—that executive-branch lawyers were hesitant to offend their colleagues on the bench. Whatever the reasons, it would take five years to legislate and eight years to implement a full reorganization of the courts.

President Johnson's influence over District criminal justice affairs, at least during the first eighteen months of his elected term, seems to have been exercised mostly through staff offices of the Justice Department, notably the Office of Criminal Justice and the Office of Law Enforcement Assistance. These offices, reinforced by the staff of the President's Commission on Crime in the District, sometimes worked with—but often around—the Board of Commissioners and the police chief. After the Crime Commission released its chapter on the police, however, the orders from the President to Commissioner Tobriner became more direct.

Upon reorganization of the city government in 1967, the Johnson Administration clearly adopted a policy of non-interference in city affairs, except as direct instructions passed from the White House to the Mayor. Unfortunately, events would make it difficult for the President to maintain this hands-off posture. The riots following the assassination of Dr. King would require federal intervention in Washington, as they did in other cities; and the Poor People's Campaign of 1968 would require close monitoring by the Federal Government. Moreover, as the issue of crime in Washington began to build anew in the 1968 Presidential campaign, the incumbent was forced to indicate continued interest and leadership.

The Board of Commissioners during this period deserves great credit for its handling of criminal justice problems in the city. In 1964, against the advice of the House District Committee, the Board transferred authority for adjusting traffic violation notices from the police to the Corporation Counsel. Commissioner Tobriner appointed a citizen advisory board to the police chief over Chief Murray's strong opposition. And when Murray retired, Tobriner appointed his personal choice to replace him, without consulting either the White House or congressional powers. The Board also moved forward with a requirement (later overturned by Congress) that priority be given to residents in city government jobs.

Even though the Board was making some hard decisions, it lacked total control over criminal justice in the District. The Crime Commission staff closely monitored the special police tactical force, as did the office of the Deputy Attorney General; the staff of the Office of Law Enforcement Assistance virtually designed the original set of OLEA grant applications from the police department. Presumably nothing was done in the District without the concurrence of the Commissioners, but the staff agents were not their own. The question must remain whether they fully concurred with the processes underway or simply went along with events.

The new city government, replacing the Board of Commissioners, moved aggressively to gain control over city agencies, and especially the police department. The new office of Director of Public Safety gave Mayor Washington a great deal more authority than the Board of Commissioners had enjoyed. With the police and fire departments as his only major responsibilities, the safety director in ordinary times could literally command one of the two if he chose to allocate his time in that fashion. Until Congress intervened, it was clear that the safety director intended to command the police department, at least until it was restructured in a manner suitable to the new government.

Then, in the aftermath of the April disorders, there developed another candidate for control over the police department. First the Black United Front, then the Democratic Central Committee, and finally the elected City Council urged that the community be given greater authority over the police.

The Congress had its own agendas during the Johnson years. In the Senate District Committee, as always, Chairman Bible was ready to provide whatever resources might be needed by the criminal justice system, especially the police. The House District Committee, on the other hand, was intent on revising *Mallory* and easing the prohibition against investigative arrests. The House District Committee also intervened aggressively when the Director of Public Safety began to assume direct control over police operations; eventually, the committee would succeed in abolishing the safety director's job.

In the Senate Subcommittee on District Appropriations, Senator Byrd was following his own agenda. Because of his interest in law enforcement, he was a natural to intervene when police morale began to decline under the pressures of the mid-1960's. Senator Byrd's actions at that time were probably the closest that any member of Congress, before or since, has come to trying to exercise executive control over the police department. Beyond the issue of police morale, the Senator was interested in the full criminal justice process, and he constructed the hear-

ings on the 1968 District budget in such a way that he became the coordinator of every government aspect of criminal justice for the city. Those who have watched Senator Byrd at work would be inclined to predict that, given time, he alone might have straightened out the system. But time did not permit: the 1968 riots intervened, the Senator moved on to another subcommittee chair, and a new President took office.

The Nixon Years (1969–1974)

Unlike his predecessor, Richard M. Nixon entered office knowing he must face squarely the problem of crime in the District of Columbia. As his administration began, a resolution was introduced into the House calling for Marines to patrol the city. The *Washington Daily News* launched a front-page feature in January, tabulating serious crimes in the city. (The feature was dropped upon the urging of the Mayor and the business community, but in May the *Washington Post* instituted a similar "Crime and Justice" column, which continued throughout the Nixon Administration.) On January 30, an association of Washington banks sponsored a full-page advertisement, advising the President that the crime situation seemed almost out of control and asking that top priority be given the problem.

By January 31, Nixon's program had taken form. The President recommended that Mayor Washington ask for 1,000 additional police officers (bringing the force to 5,100), offered the Administration's assistance in selecting the best possible candidate as Director of Public Safety, and announced that the Attorney General was appointing a senior assistant whose duties would include evaluating and implementing new ideas for anti-crime measures in the District. On the legislative front, the President recommended preventive detention for dangerous offenders awaiting trial and a complete reorganization of the local courts.

Mayor Washington was reappointed by the President. The early intent of the Nixon Administration appears to have been to leave local affairs in the hands of the city government. However, the City Council was Johnson-selected. When the President spoke of 1,000 more policemen, several Council members talked of the need to put the money instead into "root causes" and preventive programs. And while the President was devising his program to control crime, the Council was asking the Mayor for a report on its proposals of the previous year for increased community control over the police.

Moreover, the President's program was devised without concurrence of city officials—and probably without consulting them. Reporters inquiring in January 1969 found that city officials were in the dark about the District crime programs announced by Attorney General John Mitchell, Deputy Attorney General Richard G. Kleindeinst, and Republican Congressional leaders Everett M. Dirksen and Gerald R. Ford, Jr.

The Administration never followed through on its offer to find a candidate for Director of Public Safety. Perhaps there was never agreement on a suitable applicant; perhaps applicants were afraid that (as finally came to pass) the post would be abolished by Congress. But White House interest was clearly evident in obtaining a new police chief. By April, arrangements had been made for Chief Layton to retire and take a post in the Federal Government. Since the Administration obviously arranged new employment for Chief Layton, it must be assumed that Mayor Washington discussed the appointment of a successor with someone in the White House, if he did, it was probably a cursory discussion. Mayor Washington's pre-appointment discussions with me made it clear that I was his selection, with a vague reference to the fact that he had touched bases in the Congress to avoid major conflict. No one in the Administration or in Congress ever discussed the job with me before the appointment. Problems developed as soon as the President's proposed legislation appeared in the newspapers. The city government was clearly not in favor of the preventive detention and no-knock legislation. As the new police chief pressed into public and television appearances to discuss contemporary crime problems, I found myself looking for a middle ground among the legislative program of the White House, the opposition to preventive detention and no-knock by the Mayor who appointed me, and my own view, favoring preventive detention but regarding the no-knock warrant as a refinement not worth the argument it aroused.

The uninstructed fence straddling did not last for long. A call from Associate Deputy Attorney General Donald E. Santerelli brought the question: "Why are you appearing on television to equivocate in your support for the President's legislation?" Discussion of this conversation with the Mayor brought clear signals that I was to support or oppose legislation according to my own judgment. Thus I became the only spokesman for the city fully backing the President's legislative package. From this situation would evolve an informal chain of command between the Administration and the police department even more influential than that which existed during the Johnson term when the Board of Commissioners held office.

The White House was concerned that the Congress would adjourn (as it finally did) without taking action on the President's legislative proposals. What is more, crime was continuing to increase, and the Administration needed to show interest and action on the problem. The President therefore invited the Republican and Demo-

cratic leaders of the Senate and the House for a briefing on the crime problems in the District and proposed solutions. The primary briefing was to be conducted by Mr. Santerelli and me. As no other city officials were unequivocally behind the President's proposals, the meeting was scheduled for a day when Mayor Washington was out of the city, and no city officials were given advance notice of the meeting. This was the beginning of what was to be rather spasmodic efforts by the Nixon Administration to direct the course of the District's criminal justice system.

Although the signals were clear to me on the legislative package, no one in the Administration had talked with me about the proposal for a 5,100-man police force. The Mayor had discussed with me the budgeting problems which 1,000 more policemen would impose; and, like my two predecessor chiefs of police, I considered the addition of large numbers of police as unnecessary, preferring instead that changes be made in the criminal justice system through legislative means. (My legislative priorities were different from those of my predecessors: by now the need was for court reorganization, not for reversing appellate rulings.) Early in January, 1970, the Mayor took me to a meeting with a small group of community leaders to discuss District crime problems. I was strong in my insistence that the President's legislative program was the answer to the problem, but forthright in saying that 1,000 more police were a low priority. Unknown to us, the group had met earlier with Presidential Assistant Ehrlichman. Apparently they still had an open line to him, for some two weeks later the Mayor and I were summoned by Attorney General Mitchell and informed in explicit terms that obtaining 5,100 police officers was an Administration priority and that any implication to the contrary was to cease immediately.

Meanwhile, Deputy Mayor Graham Watt (appointed by the Nixon Administration two months earlier) had been summoned to the White House on a Saturday morning, January 17, and bluntly informed that the immediate objectives of the Nixon Administration were 1) to achieve a reduction of street crime by May 1, 1970, and 2) to develop a community climate of confidence in public safety. If those objectives were not achieved, the intent of the Administration was to replace the city government. The Tuesday following, the Mayor announced that new priority was being given to strengthen the criminal justice system across the board. Law Enforcement Assistance Administration grants were poured into the city to supplement the police force with funds for overtime duty, to implement a helicopter patrol, to restructure police training, and to increase and improve narcotics treatment programs and facilities for the city.

Everyone agreed that improvements across the criminal justice system were fundamental to any long-term handling of the crime problem. But the consensus in the Nixon Administration—a view which I shared—was that short-run reductions in crime could be achieved by the police, if their morale were sustained and if the major leaks in the remainder of the criminal justice system could be repaired. This notion led to personal activities by the President calculated to keep the Metropolitan police hard at work on crime-reduction objectives.

The first Presidential action was his visit to police headquarters in October 1970. Although he was coming to a headquarters facility where no patrol forces were housed, his single directive for the visit was that he was to meet as many "street" patrol officers as possible. Meeting that demand was complicated by the admonition of the White House staff that absolutely no reporters and no other politicians) were to learn of the visit in advance. The President would be coming to police headquarters from the Department of Justice, where he was to sign an organized crime bill in the presence of various senators and congressmen; they might try to invite themselves along if they knew where the President was going. To reduce the possibility of leaks, I assigned the task of assembling several hundred police patrol officers to my civilian public information officer. He simply telephoned the middle level officials on the morning of the visit, telling them that I wanted a complement of officers at police headquarters to represent their units at a ceremonial presentation. When the Presidential party arrived, hundreds of police officers and civilian employees of the department were waiting. The impact on morale was tremendous.

The following summer, arrangements were made for the President to write personal letters to the patrol division District Inspectors, who were seen as key to crime reductions, commending their past accomplishments and urging continued efforts and further reductions. Again, early in 1972, the President invited the police winners of the annual awards for valor and merit and the senior officials of the department to the White House Rose Garden to express his appreciation for their accomplishments.

Throughout the period 1969–1972, a succession of anti-war and other demonstrations and events were occurring in Washington. In general, as during the Kennedy and Johnson Administrations, the Nixon Administration was careful to ensure that it could influence the handling of any significant events occurring on federal lands or directed at the Federal Government. The federal authorities sometimes stationed high-level representatives in the city command post and sometimes chose to operate separately.

In 1972 the crime situation in the District was again a Presidential campaign issue, but this time the issue was one of claimed improvements, rather than promises of changes to be made. The Nixon Administration opened the issue when Presidential Assistant John Ehrlichman on April 19, 1972, called to the White House the community leaders (most of them Democrats) who had demanded action against crime in 1969. He pointed out that crime was now reduced significantly from 1969, largely through efforts of the Administration. Three days later, the meeting of the President with senior police officials and award winners took place, serving a dual purpose of reinforcing police morale while publicizing the crime reduction accomplishments.

After 1972, the Nixon Administration viewed the war against crime in the District as substantially finished. The reductions in reported crimes had been substantial. Even those who doubted the District data had generally come to accept the fact that, however bad crime was in Washington, it was equally bad or worse in some other cities.

In March 1973, President Nixon reinforced the linkage between the White House and the police department by asking me to delay my announced plan to retire. He also asked that I visit cities around the country to discuss with local political leaders the accomplishments which had been obtained in the District by making and keeping crime reduction a policy priority. As it turned out, the assignment accomplished little or nothing. But the thinking of the White House in setting up the assignment gives an insight into how local politicians were generally reacting to crime at the time. The notion was that, as the President's personal representative, I would visit selected cities around the country; meet with the mayor, police chief, and perhaps the city council chairman or other influential politician; and discuss with them the local crime situation and ways in which the lessons learned in the District might be applied.

Basically, I was to emphasize three points: contemporary polls showed that Americans viewed crime as the worst urban problem; President Nixon shared this concern and was personally committed to keeping crime reduction as a high national priority; and achieving significant crime reduction required a commitment by state and local government and strong interest and leadership by officials at all levels of government. The assumption was that these meetings, at least in some cases, would put local political leaders in a position of having to endorse crime reduction and law enforcement as a local priority. In the best of circumstances, this would occur at a news conference so that their support would be made a public record.

The need for this stimulus derived from a White House perception that, although national polls consistently showed crime as one of the highly important domestic issues, mayors and other local leaders calling on the Nixon Administration for help virtually always discussed other needs than crime. Essentially, the object of my assignment was to raise the consciousness of local politicians to the crime problem and to force them to go on record as intending to deal with crime. Perhaps the plan would have worked, had not Watergate intervened. Even as the first trip was underway, suspicions of Nixon Administration involvement in the scandal was seeping into news accounts. By late May, questions dealt more with Watergate than the general crime situation; news accounts did the same. I informed the White House staff that the visits were useless, if not harmful, to the fostering of a climate for crime reduction nationally.

From the spring of 1973 onward, the Nixon White House did not talk to the broad issue of crime, either nationally or in the District of Columbia. Watergate was pre-empting White House attention and making discussions of crime an uncomfortable subject.

Attorney General William B. Saxbe, because of the circumstances of his appointment, was not embarrassed by Watergate. He brought chiefs of police from major jurisdictions to Chicago in August 1974 to discuss the crime issue and to seek solutions. In the District, the Attorney General entered the continuing fray between the police department and corrections officials over furloughs for convicted offenders. In October 1974, he issued orders to the Director of Corrections that inmates convicted of violent crimes be furloughed only in their last six months, except in cases personally approved by the Director of Corrections. (In point of time, these orders were issued by Attorney General Saxbe after President Nixon had resigned, but they are listed here because Saxbe was a Nixon appointee.) Soon after the replacement of Attorney General Saxbe, the District Department of Corrections reportedly began circumventing his order, even though technically it was still in effect.

All criminal justice activities in the District during the Nixon Administration were not directed from the White House, however. Other measures were underway within the city government.

When the city government was reorganized in 1967, it was contemplated that there would be a strong executive control over the various departments and agencies. To achieve this, the Mayor-Commissioner, borrowing from Mayor Lindsay's New York City model, had formed a cabinet of "super" department heads, one of which was to be the Director of Public Safety. The "super" heads would have offices in the District Building while their subordinates were located in departmental headquarters. To eliminate ties between the subordinate department heads and the Congress, orders were issued that the

Mayor's office should receive copies of all correspondence between city agencies and Capitol Hill. In the turbulence of the 1960's, such an approach was completely unrealistic. To begin with, a small cabinet simply could not keep abreast of the firefighting. The "super" heads became lightning rods for all the complaints that had formerly gone to agency heads and for many complaints which had gone to middle managers. For its part, the Congress was unwilling to deal with the city government only through the "super" heads. Finally, the demand for copies of correspondence was futile, since the ties between individual city employees and Congressmen had never involved much written correspondence in any event.

For these reasons, the cabinet form of city government was disintegrating even before Congress abolished the office of Director of Public Safety. Many of the police department problems suitable for the director's attention were resolved or nearing resolution by 1969—the City Council had enacted regulations on the use of deadly force, the Mayor had integrated scout cars and beats, some civilians had been hired into management posts, and minority recruitment was being achieved. The voices demanding neighborhood control had fallen silent. From the standpoint of controlling the police department, therefore, a Director of Public Safety was probably no longer needed.

There remained the wider criminal justice problems—formulating responses to criminal justice legislation, proposing new legislation, implementing the 1970 crime legislation, and developing budgetary priorities. To handle such matters, the city asked Congress for a high-level criminal justice coordinator, who would be a staff official for the Mayor rather than a line officer. The concept was rejected by a suspicious Congress, which knew from experience that the authority to ask questions and to coordinate is almost as important as the authority to give orders.

The city government was persistently unwilling to address hard criminal justice questions such as crimes committed by offenders assigned to halfway houses, those released on furlough or parole, and those released on personal recognizance while awaiting trial. In the police department, middle managers suspected that many such offenders were committing new crimes, but no one had any conclusive data to substantiate the belief. In 1970, the Criminal Investigation Division was asked to develop some concrete data. The materials they produced were impressive: one offender, sentenced in June 1969 under the Youth Corrections Act, was transferred to a Community Center in August 1970 and was arrested for armed robbery within a month. Another, sentenced at the same time under the same act, was transferred to a Community Center in October 1970 and was charged with armed robbery and rape later that month. In both cases the Robbery Squad stumbled on their identity by accident, for the records showed them to be serving their time in prison. A survey of December 1970 showed that of sixty-six persons arrested for armed robbery, 31 percent were on the streets on personal recognizance, probation, escape, community center, parole, or other form of release.

In response, I established within the police department a Major Violators Unit, to coordinate our efforts against repeat offenders in crimes such as robbery, burglary, and auto theft. Our intention was twofold. First, we wanted to keep our detectives informed of the whereabouts of serious violators, particularly their presence on the streets. Second, we circulated our monthly and quarterly reports to members of the Public Safety Policy Group and to the Chief Judges of the courts for their information and action.

In August 1971 the District Office of Criminal Justice Plans and Analysis issued its own study, undertaken to test the Major Violators Unit data. Their analysis essentially verified a high rate of escapes and a high level of rearrests among prisoners assigned to Community Corrections Centers.

As an outgrowth of these studies, the Mayor appointed a committee to examine community corrections facilities and policies. The immediate result was a forced retrenchment of community corrections and of furlough programs, but the long-term result was minimal. By 1974 the same kinds of problems had reemerged, leading to Attorney General Saxbe's order mentioned earlier.

The Major Violators Unit also disturbed the courts. In a compromise effort, the Criminal Justice Coordinating Committee referred the matter to a subcommittee on research and information systems, chaired by Chief Judge Harold H. Greene. The subcommittee recommended that the police department stop issuing its Major Violators Unit reports and that, instead, the Office of Crime Analysis undertake a quarterly criminal justice reporting process. With that understanding, the police department ceased publication of its quarterly reports in 1972. However, the promised system was still not operating by the end of 1975. Persons familiar with the District system predict that an LEAA-funded Offender Based Transaction System begun in 1976 may eventually produce comprehensive data in this area.

The Congress, during the first two years of the Nixon Administration, was debating the proposed legislation for court reorganization, preventive detention, and no-knock warrants. In the Senate District Committee, Chairman Joseph D. Tydings (D.-Md.) aggressively pursued the issues of court reorganization, narcotics treat-

ment programs, and the coordination of metropolitan area law enforcement to combat "spillover" of crime from the District into the suburbs. In the Senate Subcommittee on District Appropriations, the leadership had changed. Senator Byrd moved to another subcommittee post in 1969, and his successors tended to direct their interest to areas other than law enforcement.

The House District Committee, however, continued its close attention to criminal justice affairs, holding hearings on the 1968 disorders at Lorton Correctional Complex and threatening an investigation of police recruitment practices. More important, the committee forced through the rider to a District Revenue Act which abolished the office of Director of Public Safety. Following my discussions with George Washington University students in February 1970 (when I expressed the view that police actions in handling a demonstration on the campus were less than ideal), the committee called the Mayor and me to a closed session to question my actions and statement.

Analysis

When President Nixon took office, he found an entirely different set of crime problems in the District than had faced his predecessor in 1965. Reported crime had increased dramatically in the District and elsewhere. Although some of the increase derived from better reporting, even critics of the reporting systems and of anti-crime rhetoric had come to recognize crime as an important priority.

President Johnson's emphasis on improving the police department had largely accomplished its purpose. Reorganization of the department was virtually completed, except for precinct consolidation, and a wide variety of administrative improvements were underway. Leadership for the department, which had been resolved during the Johnson Administration by appointing a Director of Public Safety, was resolved during the Nixon Administration by replacing the police chief. The new approach may have derived from a realization that Congress would no longer tolerate the concept of a Director of Public Safety.

The Johnson Administration had made a late but substantial effort to improve the Court of General Sessions, but moved less aggressively on the problem of backlogs in the U.S. District Court and the unconscionable referral of felony charges to the Court of General Sessions for misdemeanor trials. It was left to Senator Byrd to force a concerted remedial effort. However, the infusion of looting cases from the 1968 riots undid the progress stimulated by Senator Byrd and left the court process in a virtual shambles. Under the circumstances, it was natural that a major thrust of the Nixon program would be court reorganization and improvement.

The new Administration also inherited problems engendered by the 1966 Bail Reform Act. In 1966 the Crime Commission had been divided on the question of pre-trial release; by 1969 a variety of observers (including U.S. Attorney Bress, Safety Director Murphy, and Senators Byrd and Tydings) had spoken on the need for some change in the law to allow pre-trial detention of dangerous offenders. The Nixon Administration found a solution which eventually proved to be ineffectual.

A central issue of the 1960's was whether or not there was "support" for the police. The Nixon Administration faced this issue squarely. In 1971 I counted four occasions during the previous year in which the police department newsletter had published commendations by the President, including his unprecedented visit to the police headquarters.

For some reason, the Nixon Administration declined to involve itself in District corrections. The custody of prisoners was by statute a responsibility of the Attorney General—a fact I brought to the attention of the White House and Justice Department staffs during the disputes over community corrections and furloughs for serious offenders. But throughout President Nixon's war on crime, his administration would not exercise its authority over District convicts. (Attorney General Saxbe's order, I think, must be viewed as separate from the Nixon Administration war-against-crime activities.) I never had a satisfactory explanation of this hesitancy, although several possible reasons come to mind. For one thing, Administration officials may never have completely comprehended the extent of the problem. (During one conversation, President Nixon informed me that he was proposing some mandatory penalties; the point seemed to escape him when I replied that the problem was not with low sentences by judges, but with the correctional and parole authorities who administered early release programs.) Another possibility is that attempting to take control of a correctional system administered by blacks and incarcerating mostly blacks involved too great a risk of accusations of racial motivations. Moreover, in the early 1970's the concepts of rehabilitation and of community based corrections were still at their apex; the idea of keeping convicted offenders in prisons was derided as "warehousing" humans. Finally, with reported crime in the city considerably reduced and still declining, there was little incentive for the Administration to inject itself into what would at best be a troublesome issue.

The city government, during the Nixon years, tended to coordinate its anti-crime activities under the Deputy Mayor, using the office of Criminal Justice Plans and Analysis for staff purposes. Despite pressure from the White House, the city never developed this coordinating

activity into a leadership role. In retrospect, a principal activity of the Criminal Justice Coordinating Board seems to have been trying to silence critical voices (such as those in the police department in the matter of the Major Violators Unit) by promising remedies which were never delivered.

The congressional furor over District crime lessened immediately after the 1970 crime legislation was enacted. As reported crime trends began to move downward, congressional interest waned, except for some brief questioning of crime data during the 1972 election.

The Ford Years (1974–1975)

The final year of the period under study might well be called the "Home Rule Year," for an elected city government assumed office in January 1975. Furthermore, even as the Home Rule legislation was progressing through Congress in 1973, the Nixon Administration had adopted a policy of reduced involvement with District affairs, pending the effective date of home rule; that policy continued under the Ford administration.

Reported crime for 1974 was 7 percent higher than for 1973. The increase would continue through the first quarter of 1975, but thereafter the trend would be slightly downward, leaving the city with an increase for calendar year 1975 of only 1 percent (contrasted to an average increase of 9 percent for comparable cities nationally).

The elected City Council saw other matters than crime control and law enforcement as their priority. Their initial action on the Mayor's budget for fiscal year 1976 would have cut 1,000 police positions from the police department request for 4,750 police officers.

Meanwhile, by mid-1975, the corrections department had begun circumventing Attorney General Saxbe's order restricting furloughs of prisoners to "exceptional" cases.

Public opinion polls showed crime as a major concern of District residents, as it was of citizens elsewhere. But the reductions in reported District crimes, reinforced by victimization surveys and other studies somewhat favorably comparing District crime with that of other cities, had given the public a different perspective of the issue.

CHAPTER IV. CHANGES IN THE POLICE DEPARTMENT

A. Size of the Police Force

A thread which weaves through the descriptions of official actions in Chapter 3 is that virtually everyone except the police chiefs agreed that the best way to reduce crime in the District was to increase the size of the police force. Even the exceptions are illuminating. In 1956, the president of the Board of Commissioners testified against the increase to a 2,500-officer force on the grounds that financing it would be difficult (he was the only witness in opposition, yet the number of reported crimes was then at a record low). In 1959, the city budget office disputed the need for 500 more officers, arguing that the crime situation did not justify the expense. In 1969, the City Council which had added 1,000 officers for President Johnson balked at adding 1,000 more for President Nixon. Finally, the "home rule" City Council has tried to reduce the police budget more sharply than either the police chief or the Mayor has considered acceptable.

It is clear from the District experience that locally elected or locally responsive officials who must balance a city budget are less likely to favor increased services than are federal officials with access to greater resources. In some cases, the reluctance may have been more apparent than real. City officials liked to give the appearance that congressional rather than local policies had bloated the city budget, thereby justifying an increased federal payment or new taxes. The most persistent example of this gamesmanship was the city's habit of underbudgeting police and fire salaries, always expecting that Congress would enact a higher rate together with an increased federal payment.

Gamesmanship was not the only reason why so many of the increases in the District police force were federally initiated. A major reason was that, except in 1956, the police chiefs felt that more officers was not the dominant criminal justice need. Chief Robert V. Murray fully supported the increase to 2,500 officers in 1956. There are strong indications that he lobbied for the increase over the objections of the Board of Commissioners; however, the possibility is also strong that his lobbying was privately endorsed by the Commissioners as part of their budgetary gamesmanship. Whatever the case, the decision that the statute would be enacted was made before any work was begun on the written justification.

The next increase was clearly a congressional initiative. When Senator Byrd urged in August 1959 that all possible measures be taken to deal with District crime, the immediate response of Senator Bible, chairman of the Senate District Committee, was to suggest to Commissioner Robert E. McLaughlin that the force be expanded by 500 officers in fiscal year 1961. To write a justification for this increase proved even more difficult than arguing for 2,500 policemen at a time when reported crime was declining. But the decision to ask for the increase had already been made, and congressional approval was a foregone conclusion. Casting about for a theme, the department seized upon the fact that crime was spreading somewhat from the downtown business area to outlying residential precincts, thereby requiring a larger patrol force for the larger geographic areas affected.

After the policy for increased manpower was established, the police department had a tendency to adopt the policy as its own. When Chief Murray appeared before the House Subcommittee on the 1961 budget request, he testified that 3,000 was the minimum number of officers needed to police the city. Yet from the time of the *Mallory* ruling to the end of his term, Chief Murray made it clear that obtaining a larger police force was not his principal priority.

Subsequent increases were initiated by the White House. On May 6, 1965, Senator Bible asked the department to submit a list of its priorities for an anti-crime package to be added to the fiscal 1966 budget. Five days later, President Johnson made clear his desire for more police officers in Washington. Accordingly, Chief John B. Layton submitted a request for substantial numbers of added police personnel. Similarly, it appears that the 1968 decision to add 1,000 officers to the force also developed in the White House. The Mayor-Commissioner and his staff no doubt agreed with the plan, though they remarked on the problems of financing. In any event, the 4,000-man police force developed as a federal strategy, reflecting the mood of the Congress and the Johnson Administration that more police protection was needed for the city in those troubled times. The immediate Republican response was to call for an even greater increase. *Double* the police force; don't merely

increase it by a third! And that strategy eventually became the basis for a 5,100-officer police department.

This is not to say police administrators were actively opposed to the increases—they were not—nor even to argue that the increases were unnecessary. The consensus within the police department, particularly during the peak crime years of 1968 and 1969, was that increased uniformed police presence in the city was highly desirable, both for crime prevention purposes and to facilitate handling of disorder which occasionally flared. However, police administrators in the District did not view this strategy as the most effective way to deal with crime, compared to fundamental changes in the criminal justice processes of the city. Our attitude no doubt partly reflected the bias that problems can best be solved by someone else or by some other organization or group. (For example, when three senior *detective* officials were appointed in 1958 to devise a response to the crime problem, their response was to supplement the *patrol* force.) Chiefs Murray and Layton preferred changes in the laws controlling interrogations, while I preferred pre-trial detention and reorganization of the courts. Perhaps this was bias, but it is arguable that we were correct in our view that fundamental changes in the criminal justice system would be more effective than adding more positions to an already large department.

1. *The effective personnel complement.* Police personnel data can be deceptive. For example, the term "authorized strength" ordinarily is used to mean a maximum ceiling on personnel. With regard to the Metropolitan Police Department it has most often meant the *minimum* budget strength which the City could present to Congress. However, depending on circumstances, Congress has sometimes provided a budget for more and sometimes for fewer police officers than the then-current "authorized strength," so that the term has seldom indicated the number of positions for which funds and hiring authority were actually available.

Moreover, even the data for "actual strength" (the number of positions filled at a given time) often are not comparable from one year to the next because funds were diverted from budgeted but unfilled positions and used instead to pay officers for working on their days off—a frequent practice over the period of this study because of recruiting difficulties.

Then, too, while most of the political discussions and decisions over the period have related to numbers of uniformed officers, an important secondary personnel issue has related to the number of "civilian" personnel available to the department. No attempt will be made to address such issues as use of civilians to replace police officers in clerical and technical duties or use of civilians in policy making and supervisory positions, although those were important and at times controversial issues. The discussion here will address only the substantial increases in full-time civilian positions, which added significantly to the personnel complement of the police department.

Table 4–1 presents an overview of the effective personnel complement of the police department for each of the fiscal years during the period of this study. For police personnel, the "Average Complement" is the average actual daily strength of the department for each year as reflected in departmental annual reports. (Data for 1973, 1974, and 1975 are estimated, since data in annual reports for those years are questionable.) To allow for police personnel working on their days off, the "Daily Average" number of officers on duty, as reflected in annual reports, is also listed. These data are projected for each year through a standard absenteeism rate, thus producing an "Effective Complement" representing the estimated number of full-time employees, working regular tours of duty, needed to provide the indicated daily average on duty.

For civilian personnel, the number of full-time positions reflected by police annual reports is listed. Usually (but not invariably) the annual reports have indicated the number of civilian positions actually filled at the end of each fiscal year. These civilian personnel data undoubtedly suffer from some inaccuracies because of limitations of available data, but I believe they reasonably reflect the approximate actual number of filled positions for each year. The police department has not collected data for civilian personnel which would permit projection of an effective complement, taking into account overtime worked; however, overtime work and similar factors have not generally had such significant effects on civilian personnel as has been the case with sworn personnel.

Finally, the "Total Effective Complement" reflects the sum of effective police complement and the civilian personnel complement.

2. *Relationship of personnel complement to reported crime.* Graph 4–2 plots the "Total Effective Complement" of Table 4–1 together with "Crime Index Offenses Reported." Inferences might be drawn from this graph—particularly from 1969 onward—of strong correlation between police personnel and reported crime levels. However, similar relationships can be found when reported crime is compared with numbers of prisoners incarcerated or levels of heroin use in the general population.

B. Efforts to Improve the Police Force

The Metropolitan Police Department, during the first

Table 4–1

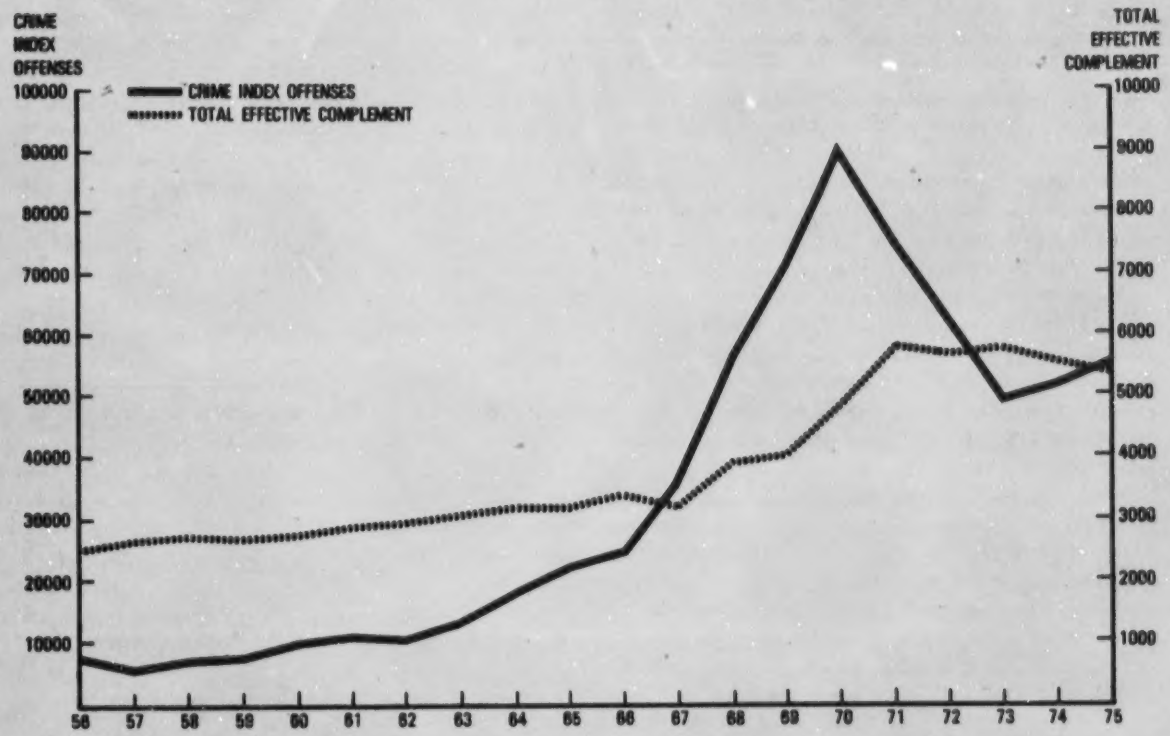
Metropolitan Police Department Personnel Complement By Fiscal Years

Fiscal Year	Police Officer Personnel			Civilian Personnel Complement	Total Effective Complement
	Average Complement	Daily Average On Duty	Effective Complement		
1956	2236	1411	2347	177	2524
1957	2240	1497	2438	189	2627
1958	2310	1541	2510	201	2711
1950	2500	1535	2500	190	2690
1960	2507	1589	2585	190	2775
1961	2579	1609	2620	222	2842
1962	2757	1686	2746	226	2972
1963	2827	1727	2812	237	3049
1964	2902	1805	2940	243	3183
1965	2915	1788	2912	279	3191
1966	3055	1917	3122	284	3406
1967	2815	1743	2839	371	3210
1968	2952	2131	3471	436	3907
1969	3323	2113	3441	550	3991
1970	3967	2558	4166	650	4816
1971	4886	3166	5156	695	5851
1972	4981	3057	4979	724	5703
1973	4982	3059	4982	735	5717
1974	4869	2990	4869	735	5604
1975	4696	2883	4695	832	5527

NOTE: The "Effective Complement" for police officer personnel is the estimated complement required to produce the "Daily Average On Duty" without persons working on assigned days off. Computation assumes normal average absenteeism at 104 days off, 20 days vacation and holidays, 15 days sick, and 2 days administrative absences.

Graph 4-2

OFFENSES REPORTED AND POLICE PERSONNEL COMPLEMENT



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decade of the study period, could be classified as a conservative organization with respect to change and innovation; during the second decade, it could clearly qualify as progressive. This does not mean that no innovations were made before 1965. The department had assisted the Policemen's Association in arranging one of the early college education programs for in-service policemen, and would eventually provide tuition assistance. The communications and records systems were probably well above average among police departments of the nation. The department pioneered in the use of two-way "footmen" radios, and was among the first in this country to utilize canine teams. Manpower allocations to precincts according to workload factors were adopted while many cities were still operating on hunches. A feasibility study of computerization was begun in 1964, following closely behind the pioneering work of St. Louis and Chicago.

The major emphasis of the department, however, was on the traditional. Because of its limited use of civilian employees, the department had a huge ratio of policemen in administrative and staff functions, where their duties were largely clerical. Innovative staff components such as planning units or field inspections were non-existent. The emphasis, appropriately, was on the line functions; but the upper management of the department was not organized so as to lend direction to that emphasis. There was no single official responsible for the patrol division, where most of the personnel were assigned and which was supposed to be the backbone of the department. The special anti-crime programs which were devised from time to time were invariably coordinated in the detective division, although the program activities were in patrol.

The Senate District Committee, after a study of corruption and mismanagement in the police department, had in 1952 recommended a survey by a professional management consulting firm. The Board of Commissioners elected instead to have it conducted by a committee consisting of the city management officer, the police department Chief Clerk (administrative officer), and the executive director of the Washington Criminal Justice Association (the local citizen crime commission). The survey was concluded and a report submitted in 1955. The survey was well conceived, but few of its concepts suggested would be adopted. By 1955, everyone believed that Chief Murray had largely eliminated corruption from the department; reported crime trends were markedly downward; the city was extremely pleased with police handling of traffic during a major transit strike that year. When Chief Murray signaled a reluctance to make changes in a winning organization, no one objected, and the survey report was shelved.

The orientation of the department was clearly toward crime reduction. It should be noted, however, that the reporting system for 1956 and 1957, when reported crime reached its record low, was not totally comparable with past (or with later) systems. Under pressure from U.S. Attorney Leo Rover, Chief Murray had instituted a systematic reclassification of "non-serious" assaults with dangerous weapons. When the 1956 reorganization of the Communications Center began to produce statistical reports of offenses such as stolen hubcaps, Chief Murray directed the statistical bureau to devise alternative procedures to eliminate the reports. (Actually, Chief Murray's concern was not that reported offenses had increased, but that those minor offenses, virtually impossible to solve, lowered the department's crime clearance ratio). Despite these deviations from "full" reporting, the notion is probably accurate that crime in the District during the mid-1950's was much lower than it had been over the preceding decade or has been since.

Perhaps the greatest criticism which might be made of the police department at that time is that it did so little, internally, to cope with the added constraints of the *Mallory* ruling. It is easy to understand why Chief Murray chose initially to seek a change in the law: there was substantial sentiment in Congress for a change. But it is less easy to understand why, having lost the first attempt to change the statutes, the police department did little or nothing to reorganize its resources or train its personnel to cope with the effects of the ruling.

The *Mallory* ruling was exclusively a constraint on criminal investigations. Yet, there was no significant shifting of police manpower into the investigatory function. Between fiscal years 1955 and 1965 the average number of policemen on duty each day increased by 389 (28 percent); the daily average number assigned to criminal investigations increased by only 40 (21 percent). Indeed, from 1955 to 1960, the daily average manpower assigned to criminal investigations actually decreased by seven positions (4 percent).

Nor did the department do enough to train its detectives in investigative techniques which would rely less on arrests and confessions. The Metropolitan Police Department, like most police agencies in the 1950's, provided no formal course of instruction for criminal investigators, leaving their training to on-the-job experience. Early in 1958, Chief Murray asked U.S. Attorney Oliver Gasch to arrange lecture sessions to inform uniformed and detective officials of the ramifications of the *Mallory* ruling. Transcripts of those lectures (and of a similar series in 1959 on search and seizure) were distributed to all officials of the department. Useful as these lectures were, however, they focused on the constraints of court rulings without imparting training in alternative processes of investigation.

In May 1958, the Judicial Conference of the District recommended more emphasis on police training. Chief Murray promised to reinstate the Police Academy (an advanced training course for experienced officers) and expressed his hope that the department might establish a training course for detectives and obtain funds to pay college tuition costs. The Police Academy was reinstated, but was dropped again in 1961; the training course for detectives would be ten years in formulation; and payment of college tuition would not occur until the college programs were near extinction in 1963.

It is easy, in hindsight, to criticize the department for investing so little of its resources in training. Actually, what now appear as meager efforts were probably well above average for police and other government agencies of that period.

More serious was the practice of sending recruit officers to patrol duty after only two weeks of indoctrination. Some officers sent into the field under this system served one or more years on street patrol before completing the remaining thirteen weeks of recruit training. When the Senate District Committee investigated this practice in 1963, there were 276 officers assigned to patrol who had only two weeks of formal training. This practice was the result of Chief Murray's desire to keep as many officers as possible on patrol and because of the cramped training facilities available to the department. The Senate District Committee investigation caused the department to obtain classroom space in public schools during the summer vacation period in order to eliminate the recruit backlog. Later, arrangements were made to house the training facility temporarily in space at the U.S. Naval Station Annex, until a permanent facility could be constructed.

The thrust for massive change in the police department came from President Johnson who announced, when appointing the Crime Commission on the District of Columbia, that he wanted "the best police force in the United States here in this Capital of our Nation . . . or some fur is going to fly." The Crime Commission contracted with the International Association of Chiefs of Police for a management survey of the department; the IACP report and the Commission's own recommendations were accepted by President Johnson as "a blueprint for action." The department moved toward almost complete implementation. By mid-1969, all but seven of the forty-one recommendations in the chapter of the Crime Commission Report on the Metropolitan Police Department had been implemented, and some of those were accomplished in later years.

Improvements within the police department did not end with the Crime Commission/IACP recommendations. The viewpoint of the police administration genuinely shifted from one of conservatism to one favoring experimentation and change. As a result there was a continued effort to seek better organizational strategies. Formal training courses for supervisors and detectives were established, the recruit training curriculum was restructured around a "modular" concept, policewomen were assigned to full service police duty, and a variety of organizational changes were initiated, such as abolishing the traffic motorcycle unit and dispersing to the patrol division such specialists as juvenile, accident investigation, and canine corps officers.

C. Police-Community Relations

The NAACP filed charges against Chief Murray in 1957, alleging that he practiced racial discrimination in appointments and promotions and that he condoned brutality by police officers. The Metropolitan Police Department, like the rest of the city government in the mid-1950s, was only gradually evolving out of patterns of past segregation. (Restaurants, theaters, and other public places of entertainment were segregated in Washington until 1951; the school system was segregated until the 1954 Supreme Court ruling.) Blacks had been on the police force since at least 1869. They often achieved detective rank and occasionally had become supervisors; one black had reached the rank of lieutenant. But through informal processes, blacks were systematically excluded from many beats and from a few precincts. As with most city government agencies, the police department did not hire blacks, except as messenger and custodial personnel for most of its headquarters offices.

These barriers were just beginning to fall in 1957, when the NAACP filed its charges. In the context of those times, it is unsurprising that the NAACP was unable to prove a case of racial discrimination against the police department. The U.S. Department of Justice found no evidence of use of undue force by policemen; the Board of Commissioners found that the charges against Chief Murray were not sustained, and it reasserted its confidence in the police chief and in the department.

Precincts where blacks had never been assigned were now integrated, and some progressive precinct commanders began persuading policemen to ride as integrated scout car teams. (However, Chief Murray in 1963 ordered one district inspector called in for counseling after he had directed his subordinates to integrate their scout car assignments.) There also was a gradual increase in the ratio of black police officers in the department, from 11 percent in 1957 to 14 percent in 1961 and about 20 percent by 1966; however, it is unclear whether this derived from policy changes in recruitment or from changing racial composition of the city and thus of the

labor market. At least one headquarters office had no black employees until 1968.

A program of police-community relations for the city did not develop until 1962, when the Commissioners' District Crime Council, after conducting hearings in each of the fourteen police precincts, reported that the one need on which all agreed was better liaison between the community and the police. A principal recommendation was the formation of citizen advisory councils at the precinct level to be coordinated by a city-wide advisory council to the chief of police. Chief Murray readily implemented the precinct advisory councils; Commissioner Tobriner, overruling Murray's objections, later appointed an Advisory Committee to the Chief of Police on Police-Community Relations.

The Chief's advisory committee almost immediately examined the review process for citizen complaints against police officers. It recommended a procedure (patterned on a proposal by the National Capital Area Civil Liberties Union) whereby cases of police misconduct would go before a trial board consisting of two lawyers and one police official, instead of the two police officials and one civilian lawyer under the existing process. The Commissioners took a middle course, expanding the Complaint Review Board and strengthening its processes, but keeping control over police discipline under the Chief of Police and the Board of Commissioners.

The advisory committee also encouraged the department to examine programs for police-community relations in St. Louis and Philadelphia, with the result that Chief Murray, in September 1964, established a Police-Community Relations Unit in the department. It would be several years, however, before the unit would be accepted by rank and file members of the force. Although it was commanded by experienced, senior police officials, they were viewed as outsiders. In the recruit training course, community relations lectures had a reputation for causing rather than diminishing racial friction among the recruits, until the lecturers were replaced by professional training contractors.

The City Council held extensive hearings in 1968 on matters of police-community relations, but discovered that authority for organization and control of the police department was vested by law in the Mayor-Commissioner. The Council could and did revise the rules governing use of firearms or deadly force by the police. But in matters relating to neighborhood control, integrating scout cars and other assignments, and organizing police trial boards, the Council could only adopt advisory resolutions. Mayor Washington deferred action on the recommendations. Several factors may account for the delay. First, community control of police had been suggested elsewhere but had not been adopted; a proposal to establish a strong complaint review board in New York City had failed in a referendum. Second, the House District Committee, viewing with alarm the proposals for neighborhood control of the police, had begun hearings on a bill to establish a congressionally appointed Commissioner of Police, which would have terminated city government control over the police department. (There were precedents in Atlanta, Baltimore, Boston, Jacksonville, Kansas City, and St. Louis for limiting or eliminating city government control of the local police department.) Third, a Presidential election was imminent in which the incumbent was not a candidate; there was a strong possibility that the next President would appoint a new city government.

Director of Safety Patrick Murphy disbanded the Advisory Committee to the Chief of Police on Police-Community Relations. He established instead a Public Safety Community Relations Committee. When Murphy left to accept a federal post, this committee was left in abeyance. Some advocates of the idea later tried to revive it as a reconstituted Advisory Committee to the Chief of Police. However, my own view was that a broadly based advisory committee of uncompensated citizens could not be expected to operate effectively on a long-term basis unless they were given real authority over matters of interest to them. Being unwilling to relinquish the kind of authority which would sustain a city-wide group, I preferred to concentrate on developing advisory councils at the patrol district level, where there did exist the kind of concrete issues and problems for which citizen input could be influential.

By the time this decision was made in 1971, the issue of police community relations had significantly diminished in Washington. Responsible community leaders were no longer calling for neighborhood control of the police or for exclusion of police officers from their neighborhoods. The urban turmoil of the 1960's was past. Significantly, reported crime, which had reached its peak during the height of the turmoil, was also noticeably reduced.

D. Political Control Over the Police

The police department, throughout the period of this study, was distinctiy a creature of the city government. With a few unimportant exceptions, all functions and authority of the Chief of Police and the department were vested in the Board of Commissioners and, later, the Mayor-Commissioner. The practice of the three-member Board of Commissioners was tc divide executive supervision of the various departments among themselves, with the police and fire departments traditionally under the board president. Personal style, as much as anything else, determined how closely he controlled these depart-

ments. Commissioners McLaughlin and Tobriner seem to have exercised rather firm control over the police, at least until 1965.

From 1965 to 1967, however, substantial influence over police administration—at least at the staff level—emanated from the Justice Department and the White House. Innovations such as scooters for police patrol, executive and supervisory training programs, and highly visible markings for scout cars were developed and imposed on the department by the Crime Commission staff and that of the Office of Law Enforcement Assistance. A police department legal advisor was instituted after the issue was taken by the Justice Department to Stephen J. Pollack, the President's Advisor for National Capital Affairs.

There prevails a belief that under the commissioner form of government the Congress exercised considerable control over police operations. My observation at the time, and now looking back, is that the degree of congressional control has been overestimated. The Commissioners prohibited investigative arrests despite strong congressional objections. And Policemen's Association lobbying against reorganization of the police department was futile, despite strong opposition to reorganization in the House District Committee.

Chief Murray stated in 1955 that, while Congressmen sometimes made recommendations regarding promotions, they always went along with his insistence that promotions be made on merit. It was not unusual for promotions to be legislated in the police department budget, until the practice was dropped in 1962, but apparently even those promotions were made with the concurrence of Chief Murray. My own experience with congressional recommendations for promotion was that they were usually intended to impress a constituent rather than the appointing authority.

In theory, the Commissioners might have been able to construct a more centralized form of government which would have insulated the police chief altogether. It is doubtful that Congress would have tolerated such an arrangement. In any event, the seeming independence of the police chief was often useful to the Commissioners and to others. When President Johnson submitted the 1967 District Government Reorganization Plan to Congress, he made a point of noting the endorsement of the police chief. Similarly, Chairman Diggs of the House District Committee would solicit a letter from the chief in support of Home Rule legislation in 1973.

An effort was made, following the 1967 reorganization of the city government, to centralize control over the District government both operationally and with regard to congressional liaison. Numerous departments were to be centralized under a few "super" heads, who would have offices in the District Building accessible to the Mayor-Commissioner. The Office of Public Safety (composed of the police, fire, and civil defense functions) was to be one of these. All interchange with Congress was to be channeled through the "super" heads or at least reported to them. This scheme assumed, erroneously, that the congressional committees either wanted to be relieved of detailed oversight of District matters or would tolerate being cut off from sources of detailed information. The assumption was wrong: the Congress insisted on continuing to hear from heads of the more important departments.

When Congress abolished the position of Director of Public Safety, the police department became, much as it had been before, a subordinate but decentralized unit of the government. Our quasi-independence was strengthened by the understanding between Mayor Washington and me that, despite his reservations regarding the Nixon Administration legislative proposals, I was free to testify according to my own views.

The relationship of the Nixon Administration and the police department can be described as symbiotic. Reducing crime in the District was an important political issue, and President Nixon expected the police department to carry the brunt of the effort until his legislative proposals could be enacted and implemented. As reported crime began to decline, it was politically advantageous for the President to announce the decreases from the White House (as President Johnson had done in 1966), sometimes with "photo opportunities" of the President with the Mayor and the police chief. In return, the President made it clear that he supported the department with his visit to police headquarters, with letters commending crime reductions, with telephone calls to widows of police officers killed, with invitations to police medal winners to visit the White House. The direct lines of communication between the White House and the police chief produced the classic result of violating the principle of unity of command: the independence of the police department was greatly reinforced.

E. Evolutions of Police Morale

Morale is easy enough to define (willingness to perform assigned tasks, confidence, cheerfulness, and discipline) but very difficult to quantify. Without question, at the outset of the period studied, the Metropolitan Police Department had high morale—with good reason. Handling of traffic during the transit strike in 1955 brought widespread approbation and support from the community; significant improvements in salary scales and personnel benefits followed quickly. Workload did not exceed the capacity of the department, and reported crime was at a record low.

It may be that morale began to decline in 1957 or 1958, as the police chief and other senior officials began to hammer at the notion that the police were shackled by the *Mallory* ruling. Morale certainly could not have been improved by the assignment of hundreds of partially trained recruits to patrol duty, nor by congressional rhetoric castigating the city for a supposedly high crime rate. Police salaries and benefits were maintained at a level comparable to most cities and exceeding many. However, because salary increases had to progress through the Congress, they usually came later than those of other government employees. The increases invariably were made retroactive, but delays of as long as a year were not helpful to police attitudes.

A major problem of the department during the early 1960's was a gradual deterioration in the quality and condition of its physical facilities and equipment. Poor maintenance of police buildings and equipment was cited by the 1966 Crime Commission as a contributor to lowered morale. The Crime Commission also noted that police officers complained of judicial decisions freeing dangerous criminals, of citizen apathy, of community toleration of vice activities. More important, great dissatisfaction was expressed over the caliber of departmental leadership and over unrealistic training and promotion practices. The Commission concluded that morale of the Metropolitan Police Department was poor.

Similar conclusions were reached by the national Commission on Law Enforcement and Administration of Justice and by a consultant to the House District Committee. Senator Byrd (D.-W.Va.) also concluded that morale was poor after taking statements from a large number of police officers. Perhaps even more revealing were two separate instances of police applicants inquiring of patrol officers about the job and being told: "You don't want to work here."

How much (or whether) Metropolitan Police Department morale was worse than that of other central cities is difficult to judge. Cities across the nation were experiencing the same recruitment and retention problems as the District. The Crime Commission noted the District had an unusually high resignation rate; however, because police resignations tend to occur in the first two years of service, this may have resulted from the fact that the force had so greatly increased in size in the preceding years.

As indicated by the Crime Commission, there were a number of factors contributing to low police morale. However, the dominant complaint was that the city government and the department did not "support" officers in the performance of their duty. (Senator Byrd made this point strongly at the hearings on the 1968 District budget.) It is probably no coincidence that a dominant theme of the Johnson Administration, of the various Crime Commissions, and of the news media after 1964 was that the solution to the crime problem was to be found in "improving" the police. The police service undoubtedly needed some improving, but in repetition that theme became translated from constructive criticism to blame. Even the beneficial changes in the police department had the appearance of being—and in large measure were—imposed on the department by outsiders.

The efforts of the Administration to inject new leadership by appointing a Director of Public Safety produced a brief honeymoon period. The Policemen's Association gave the Mayor and the Director of Public Safety a standing ovation in December. By February, however, they saw the freshly evolving changes as new threats imposed by an outsider, and the association claimed that Director Murphy had caused department morale to plummet to an all-time low. This attitude also proved transitory. Murphy insisted that senior police officials get out from behind their desks and into the streets, where they could directly supervise and support their men. The April 1968 riots brought this policy to fruition. By May, the Policemen's Association leaders were publicly saying morale was again high because of the backing the men were getting from officials of the city government and the police department.

There were numerous incidents through the remainder of 1968 which might have been expected to damage police morale. The "justifiable homicide" resolution of the Black United Front, the attack of the Democratic Central Committee on the police chief the City Council recommendations on police-community relations—any of these could have been expected to distress street police officers. Somehow, though, the worst seemed to be over. Mayor Washington habitually responded to such attacks with statements of support of the police. Enactment by Congress of strong anti-crime legislation was a clear signal of the mood of the Congress. Furthermore, from 1970 onward, the incumbent President was repeatedly telling the department how effectively it was performing, not how much it needed improvement.

F. Police Recruitment

Recruitment was a problem through most of the two decades of the period studied. The reasons were many, ranging from a lower birth rate during the Depression and World War II to the demands of the military draft, increased entry of youth into college, lessened interest of youth in job security, decreased respect for the police by the clients they served, and increasing numbers of police positions in an already short labor supply. Only with respect to the last of these was the District unusual among cities. Repeatedly the department would be close

to its authorized complement, only to have new positions authorized for the force, thus creating new vacancies.

Difficulty with recruitment of blacks was a problem for many years. Partly this was because black applicants scored disproportionately lower than whites on the U.S. Civil Service Commission entrance examination. A more important reason, however, may have been that blacks did not believe the department to be sincere in its efforts to recruit from the black population. For many years, the recruitment efforts of the department were directed towards nearby states, particularly those with high levels of unemployment. Relatively little was done locally until 1967, when the demands of Chairman Byrd of the Senate Subcommittee on District Appropriations led the department to establish walk-in examination facilities for applicants at various locations around the city. The appointment of a black Mayor-Commissioner in 1967 helped. Also important was the 1969–70 program for involving black community leaders and organizations in the recruitment process. The program did not produce a large number of direct recruitments; however, it sent an unmistakable signal to potential black applicants that the department was serious in trying to achieve minority recruitment.

Obtaining a higher ratio of black recruits had its benefits and its problems. As the racial mixture of the patrol force reached the half-way point, complaints diminished from the black community of a predominantly white "occupation army" from the suburbs. (Actually, for economic reasons, many of the newly hired blacks also lived in the suburbs, but that fact was not so readily apparent to residents of their beats.) On the other hand, veteran members of the force were convinced that recruitment standards had been lowered. Since 1948 the entrance examination had a passing score of forty correct answers to eighty questions, but many members of the department were convinced that the pass-fail level had been lowered to accomodate blacks. Senator Byrd, conducting hearings on a police supplemental appropriation in 1970, was presented by the Policemen's Association with examples of poor-quality recruits.

(They were mostly examples of several years past, not pertinent to recruitment practices at that time.) One senior member of the House of Representatives privately warned me that widespread hiring of black policemen would leave the whites defenseless *if blacks decided to overthrow the government*.

The racial composition of the force indeed changed dramatically, from 21 percent black in 1968 to 42 percent by 1975. The hiring of thousands of recruits over a few years period also lowered the level of maturity and experience of police personnel. From an average of thirty-five years old and eleven years' experience in 1966, the average dropped to thirty years old and seven years' experience in 1970. For a period it was common to find a probationary (first-year) police officer as the "senior" partner for a "less experienced" recruit.

But there were significant, if intangible benefits from the influx of large numbers of young officers who had come to serve a city, knowing when they came that they would be expected to respond to the community sentiments of a predominantly black population.

G. Crime Fighting Strategies

It would be incorrect to imply that, at any time during the two decades, the police department was uninterested in crime reduction as an objective. Even in 1955, when reported crime was relatively low, the police administration took the opportunity of using policemen working overtime for the transit strike to bolster anti-crime patrols on weekends when there was no serious transit or traffic problem.

But the strategies for achieving crime reduction varied over time and were sometimes ambivalent and sometimes contradictory. Before the *Mallory* ruling of 1957, the clear objective of the department was to seek reductions in reported crime, and to achieve this objective through increased uniformed police patrols; hence an increase to 2,500 men was obtained. Following *Mallory*, the casual observer might have thought that the primary strategy for crime prevention rested on clearance of cases through the interrogation of suspects. Yet three detective officials appointed to find solutions to the perceived growth of the crime problem had no suggestion other than a bolstering of the patrol force.

The contradiction became greater. The police chief continued to insist that the solution to the crime problem was legislation to overturn the *Mallory* ruling. At the same time, the police department believed sufficiently in the efficacy of street patrol as a crime preventive measure to reduce the recruit training program to a two-week indoctrination, in order to supplement the patrol force with new men.

In practical terms, the 1963 prohibition of investigative arrests probably had far greater impact than *Mallory* on criminal investigations. However, it was harder to argue against. The *Mallory* ruling had been based on an easily debatable interpretation of the Federal Rules of Criminal Procedures; the ban on investigative arrests was based on rather clearcut Constitutional grounds. Moreover, the *Mallory* ruling was imposed by the courts, with which the police chief could freely argue, while the ban on investigative arrests came from the Board of Commissioners—his direct organizational supervisor.

A major impact of the *Mallory* ruling on police department strategy was in the signals the department sent

when it published crime reports. Police officials began to express a pessimistic attitude as reported crime began to increase during the late 1950's; they might just as easily have made the point that most of the increase was in property crimes. Furthermore, police officials knew that the 1958 decision to allocate manpower to precincts on the basis of workload had generated improved crime reporting, which accounted for much of the reported crime increases in 1959 and 1960, but this factor was not reported to the public.

In a sense, the department was a prisoner of its legislative objectives. The position of the police chief was that *Mallory* had impaired police operations to such an extent that rising crime was inevitable. Therefore, explaining the increases of reported crime in terms of improved reporting or national trends would have been counterproductive.

An important by-product of the attitude that the police could not combat crime without legislative assistance was that senior and middle level officials were relieved of any pressure for producing crime reductions or for preventing further increases. When Mr. Murphy was appointed Director of Public Safety in 1967, one of his first questions was whether a precinct commander had ever lost his command for failure to control crime within his area. The truth is that precinct commanders had no motive other than their own initiative to reduce crime. From 1955 through 1967, a total of fifty-three captains had held command among the fourteen precincts. Forty-three of them continued to hold precinct command until promoted to inspector rank, or until laterally transferred to a staff assignment where promotion was assured; nine remained in precinct command until retired from the department. Only one captain was laterally transferred from precinct command because of dissatisfaction with his performance, and the dissatisfaction in that case was not because of failure to reduce crime.

At least five of the nine precinct commanders who retired as captain had been in grade for many years and often passed over for promotion by younger men; they were beyond likelihood of promotion, no matter how long they remained. But no one in the department believed that their retention in grade had anything to do with failure to reduce or to combat crime. The assumption was that any of them could have retained his precinct command for as long as he chose to remain with the department.

It was March 1968 before any concerted effort was made to shift police captains among the precinct commands and staff assignments in an effort to develop new leadership patterns in the department. However, the events following the assassination of Dr. Martin Luther King so greatly affected crime trends and patterns in the city that measurement of the effect of those changes is unfeasible. (Additionally, because of the wide variation of workload among the fourteen precincts, it was very difficult to hold various precinct commanders to even a vaguely similar level of accountability.)

Reported crime continued to increase throughout 1968 and 1969. Court backlogs, built up during the 1968 disorders, were increasing rather than decreasing; serious offenders were being released to the streets under the Bail Reform Act for long-delayed trials; heroin use was nearing an epidemic peak and no effective treatment programs were available. Legislation and appropriation proposals to deal with these problems were progressing slowly through Congress. As chief of police, I was speaking at every opportunity to citizens' groups, to congressional committees, and to media audiences on the need for legislative action to provide court reorganization and pre-trial detention as solutions to the crime problems of the city.

The legislation I sought was different from that recommended by my predecessors; still, as they had, I saw legislative reform of the criminal justice system as the fundamental need to combat crime.

However, I was perplexed that, with almost unlimited police manpower, we had been unable to prevent crime increases. In November 1969, I called together the patrol district commanders and other senior police officials to argue that we should at least have been able to hold crime at its existing level. Their response was a repetition of my own public statements: crime could not be controlled without court reorganization, elimination of trial backlogs, pre-trial detention for dangerous offenders, and effective narcotics treatment programs. Mulling over their (or rather our) attitudes for several weeks, I came to the conclusion that somehow a sense of responsibility for crime control had to be instilled in the police department, and that responsibility for crime reduction had to be fixed in a few officials who could reasonably be held accountable.

The district inspectors, who were the local commanders of the patrol force, were the logical candidates. Those six officials controlled half the manpower resources of the department. By fixing the responsibility at their level, rather than on either of their direct superiors, the task was spread among six officials rather than given to only one; therefore, failures of one or more of them could be offset by the remainder. Moreover, there were then twenty-two inspector rank positions in the department. A district inspector who failed to accomplish a perhaps unreasonable mandate to reduce crime could be shifted to another assignment without loss of rank or pay. The following summer, however, I learned that there was less coveting of district command than I had supposed. After

two of the six district commanders had been moved to other assignments and two others had elected to retire, I found myself offering district commands to staff unit inspectors who responded that they preferred to be left where they were.

Thereafter, I undertook a deliberate program to increase the prestige of the district commanders, beginning with cancelling for most staff inspectors the privilege of using their police department automobiles for commuting to and from work. The district commanders were included as a visible component of every significant event involving the police department. When the President visited police headquarters in October 1970, care was taken that he was personally introduced to each of the district inspectors. In September 1971, personal letters from the President were obtained, thanking the veteran district inspectors and their men for their role in reducing crime. And in April 1972, when a group of police officers was invited to the White House to meet with the President, the district inspectors were included as prominent participants.

A continuing question was whether the pressure on district inspectors to reduce crime would lead to underreporting of offenses rather than actual reductions. Within a week after the newspapers reported my mandate to district inspectors, a senior member of the local Democratic organization visited my office to accuse me of scheming to do just that. I assured him that my intention was to obtain actual, not falsified reductions. Six months later, while in my office on other business, he told me that he had informally checked with his friends around town and the consensus was that crime was perceptibly reduced in their neighborhoods.

An audit of the crime statistics for fiscal years 1970, 1971, and 1972 by the accounting firm of Ernst and Ernst reported that, while some reporting errors were discovered in each year, the error rate had *diminished* rather than increased. Further, the auditors showed that Crime Index offenses had decreased substantially from 1970 through 1972 in both department reports (a decrease of 34 percent) and in reports adjusting for the errors (a decrease of 38 percent). Comparisons based on the *Washington Post* "Crime and Justice" column indicated that serious crimes were more than halved from November 1969 through August 1972. The information for the column was derived mainly from the police teletype system, which was readily accessible to news reporters for comparison with radio dispatches. Finally, LEAA victimization studies based on 1973 data tended to support the conclusion that crime in Washington, by that year, was lower than for all but one of thirteen cities of comparable size. The study did not undertake to determine validity of crime reporting in the thirteen cities, but the low rank order of Washington in victimization studies tended to suggest that its crime reporting was as good or better than that of most of the cities compared.

Incentives or pressure on patrol officials and patrol officers will certainly lead to some efforts to downgrade crime reports. At the very least, it can be expected that patrol officers under pressure to reduce crime will be more skeptical when taking borderline reports. One district inspector reported to me that, on looking back through his crime report files, he had discovered numerous questionable classifications—vandalism reported as burglary, larceny reported as robbery—in the period when patrol officers had no incentive except to write and file the reports and their sergeants were careless in their review.

Much more significant than crime statistics are the benefits of changing the outlook of the police force. It is important that the attitude of "Why would you live in a crime-ridden neighborhood like this?" be replaced by a concept of police responsibility for reducing crime. It is important that the police believe that, despite faults of the other elements of the criminal justice system, they can achieve much in crime suppression.

The fundamental question is one of balance—how to motivate police to treat crime reduction as a most important objective without leading to widespread underreporting. To some extent the balance can be enhanced by field inspections, which should discover clear abuses, and inspections can be reinforced by constraints when necessary. Not only were district inspectors removed from their commands after 1969 for failure to reduce crime; one district inspector was removed for engaging in practices (such as ordering that larceny reports not be entered on the records without review by a detective) which were likely to generate widespread reporting abuses.

Essentially, the crime reduction strategy of the police department from late 1969 onward, was based on the patrol division districts. Gradually, there was a shifting of field operations resources from the specialist divisions into the patrol districts. The field juvenile officers were sent to the district stations, then placed under direct control of the district inspectors. Next, the Canine Corps man-dog teams were transferred to the districts, as were the Traffic Accident Investigation officers and, finally, the dismounted motorcycle officers. Had it not been for political demonstrations and outbreaks of urban disorders, most of the personnel of the Special Operations Division would also have been transferred to the patrol districts.

The logical conclusion is that only the patrol division should have a large complement of personnel. The Criminal Investigations Division and the Special Operations Division might have substantial complements to perform

special field operations tasks, and also to provide some staff-type services for patrol; the Traffic Division and the Youth Division should perform mostly as staff-type support units to the field operations bureau. Decentralization of the field operations function, with incentives for performance by district inspectors, appeared as the ideal mode of operation if the primary objective is crime suppression.

H. Summary

- The effective personnel complement of the police department more than doubled over the period of this study, reaching its peak in 1971.
- The principal proponents of an increased police force were congressional leaders and, after 1965, White House policy makers. Officials of the city government, including the police chiefs, were generally lukewarm to notions that a significantly increased police force was the answer to growing crime problems.
- Some relationship can be inferred between the police department personnel complement and reported crime trends; however, similar relationships can be inferred between crime trends and other factors such as prison population and heroin abuse.
- The police chief and other senior police officials claimed that the 1957 *Mallory* ruling severely hampered criminal investigations and predicted crime increases as a consequence. Nevertheless, little effort was made to strengthen the investigations process with additional manpower or sophisticated training.
- Despite the lukewarm attitude of the police chief toward increases in personnel authorizations, the department assigned many police recruits to bolster the patrol function without adequate training.
- Increasing the number of police personnel and "improving" the force was a major thrust of President Johnson's anti-crime policy for the District. Consequently, the city and the department proceeded vigorously to implement the police-related recommendations of the President's Crime Commission.
- Police-community relations were a problem in Washington, particularly during the 1960's. The police department clearly was not blameless in these matters but, on balance, it seems likely that the conflicts were as much or more a product of the times than of departmental actions.
- Although morale cannot be quantified, it is apparent that police morale in Washington was relatively high during the 1950's, declined during the 1960's to a low point about 1968, and recovered considerably thereafter. There is a possibility, however, that local police morale followed the national trend of police morale in large cities.
- Police recruiting was a problem in Washington, as in many other large cities, until about 1971. Efforts to show a genuine interest in recruiting blacks to the police force produced significant results, both in the ratio of blacks hired and in police-community relations.
- The police department expressed continuing public concern over high levels of crime after 1957, but no indications can be found before 1969 of executive pressure on middle managers to control crime within their areas of responsibility.

CHAPTER V. CHANGES IN THE COURTS

A. The Court System Before 1970

For most of the period studied, Washington was served by a unique, local-federal judiciary. The U.S. District Court had original jurisdiction over all felonies and indictable misdemeanors committed in the city. (It had jurisdiction over all other misdemeanors as well, but in practice they were tried in the local courts.) This federal jurisdiction over what would be state offenses in most communities was based upon the concept that crime in the District of Columbia was an offense against the United States.

At the beginning of the period, the most important local court was the Municipal Court, which had been created by Congress in 1942. It was an "inferior court" with original jurisdiction over all offenses against the United States not punishable by imprisonment in the penitentiary, and over all offenses against the ordinances and regulations of the District of Columbia. In 1962, its name was changed to the Court of General Sessions. It is noteworthy that, although this was Washington's most important local court, it had no jurisdiction to try felony cases—at least not as felonies.

The Municipal Court of Appeals was established as an intermediate agency to hear appeals from the local courts. In 1962 its name was changed to the District Court of Appeals. Its judgments could be reviewed by the U.S. Circuit Court of Appeals, which also heard appeals from the U.S. District Court.

Throughout the period, the office of the U.S. Attorney directed the prosecution of all felonies and serious misdemeanors committed in the city. The Corporation Counsel prosecuted violations of traffic regulations, violations of municipal ordinances, and other minor offenses. Upon arrest, an offender charged with a misdemeanor was supposed to be brought "without delay" before the Court of General Sessions. Those charged with felonies were supposed to be brought before the U.S. Commissioner or a General Sessions judge "without unnecessary delay," to determine if there was sufficient evidence to hold the accused for grand jury action.

The U.S. Attorney would then screen police reports and arrest records to decide whether a case merited prosecution. His options were to prepare "papers" for presenting the case, to "no paper" it (dismiss the case before any formal judicial proceedings were brought), or to reduce certain felony charges to misdemeanors for prosecution.

It was within the context of this court system that the issues and problems developed.

B. Effects of Appeals Court Decisions

District of Columbia criminal trials were conducted under federal appellate court jurisdiction. Consequently the local courts, prosecutors, and police were accustomed to operating under the federal exclusionary rule long before *Mapp v. Ohio* extended the concept to the state courts. Their acquaintance, however, did nothing to lessen police dismay when the Supreme Court delivered its *Mallory* ruling in 1957 (see Chapter 4). It is interesting to speculate whether a more responsive reaction by police and prosecutors might have slowed the tendency of the U.S. Circuit Court toward increasingly restrictive rulings on the questioning of suspects.

As the Circuit Court extended *Mallory*—particularly in *Killough v. United States* in 1962—concern developed even among moderates on the subject. In 1966, the President's Commission on Crime in the District of Columbia endeavored to analyze the effects of the *Mallory* rule on the city. By this time, the issues surrounding police interrogation of persons in custody had been further clouded by Supreme Court rulings in *Escobedo v. Illinois* and *Miranda v. Arizona* which limited such questioning on constitutional grounds.

After examining the limited facts available for analysis, the Crime Commission found that even under *Mallory* limitations, police interrogations did play an important role in law enforcement, and the presence or absence of a statement or confession did affect the outcome of criminal prosecutions. The Commission noted, however, that it had been unable to find satisfactory proof of a causal relationship between the increasing crime rate and restraints on police interrogations. It recommended legislation to authorize specified police activities within a "reasonable" time before the arrested person was presented to a committing magistrate, provided there was strict conformity with the *Miranda* decision, and provided that the defendant agreed to the delay

after being apprised of his rights to prompt arraignment and release on bail.

The Congress enacted a provision in Public Law 90–226 (approved December 27, 1967) conforming to the recommendation of the Crime Commission. Title III of that statute provided that an arrested person could be questioned for up to three hours, following arrest and before presentment, if advised of and accorded his rights under applicable law regarding the interrogation.

Six months later, in Title II of the Omnibus Crime Control and Safe Streets Act of 1968, Congress provided, in essence, that any confession should be admissible in evidence, if voluntarily given. The trial judge was to determine voluntariness after considering such factors as the time between arrest and arraignment, whether the defendant knew the nature of the crime charged, whether he had been advised that he was not required to make a statement and that he had a right to counsel, and whether he was without counsel prior to questioning and the giving of the confession. If the confession were determined to be otherwise voluntary, delay in arraignment of up to six hours was not to invalidate the confession. Delay beyond six hours was left to judgment of the trial court. These provisions applied in any criminal prosecution brought by the United States or the District of Columbia.

By 1968, however, there was a greater problem than appellate decisions restricting questioning of persons under arrest. Criminal trial backlogs were enormous and were increasing.

C. Backlogs in the Trial Courts

A statistically sound comparison of court workloads, backlogs, and trial delays over the period examined would require more time and resources than are available tc this study. Court workload depends not only on numbers and types of cases, but also on such factors as prosecutor charging practices, availability and competence of defense attorneys, pre-trial release requirements and practices, and evidentiary requirements. Moreover, the data bases do not always reveal the entire problem. (For example, felony trial delay is often measured from time of indictment to time of verdict—but added to that time may be several weeks from arrest to indictment and several more from verdict to sentencing.) Furthermore, the reorganization of the courts following the 1970 legislation makes the data extremely difficult to compare.

In any event, the growth of court backlogs and delays prior to the remedial legislation of 1970 was so enormous that precise data are unnecessary. Growing court backlogs first became evident in the Juvenile Court. Early in 1957, a subcommittee of the House District Committee approved legislation to add a second judge to the Juvenile Court, having heard witnesses testify to the spiraling caseload. The full committee kept the legislation bottled up. Finally, in 1962, Congress enacted legislation to add both a second and a third judge to the Juvenile Court.

Recognition of the growing backlog and delay in adult criminal trials was slower to come, and solutions were harder to develop. In 1965 Chief Judge John Lewis Smith, Jr., reported that the crush of civil cases in the Court of General Sessions had the effect of slowing trial of criminal jury cases. Judge Smith noted that defense attorneys were exploiting the situation to "shop" for lenient judges or to "wear out" government witnesses. The same year, in his message to Congress on Needs of the Nation's Capital, President Johnson noted that "local criminal courts are so overloaded that their image is tarnished, their functioning impeded, and their effectiveness weakened."

It is doubtful, however, that anyone really comprehended how great the court workload and backlog had grown. As noted by Harry Subin in a 1966 report on the Court of General Sessions: "There [was] no agreement among agencies even as to the volume of business of the court, with estimates ranging from 9,500 defendants . . . all the way to 13,400." It was impossible for Mr. Subin to find adequate data on most of the court problems discussed. Nevertheless, the seriousness of court congestion had become common knowledge in criminal justice circles, primarily because of the work of the Department of Justice and of the Crime Commission. In response to a series of *Washington Post* columns describing the turmoil in the Court of General Sessions, Attorney General Nicholas Katzenbach suggested in February 1966 that a complete redesign of local courts might be needed to solve the major problems facing them. Senator Joseph D. Tydings (D.-Md.) told a local judicial conference that a professional management study of all Washington courts was necessary. (The judges of the U.S. District Court had refused to permit such a study a year earlier when requested by the Crime Commission.)

The sharing of jurisdiction between the U.S. District Court and the Court of General Sessions contributed greatly to the difficulties of criminal justice administration. The Crime Commission found that—despite an increase in reported felonies and in felony charges made by police from 1950 to 1965—there actually had been a *decline* in the number of felony prosecutions. The Commission expressed its belief that some felons were not being prosecuted as such for reasons unrelated to the merits of the case, and concluded that the Court of General Sessions had been absorbing most of the adult crime rate in Washington, because of the practice of

reducing felony charges to misdemeanors.

Despite the shifting of cases to General Sessions, the time lapse between indictment and termination in U.S. District Court averaged 4.8 months, with some persons waiting for a year or more. The Crime Commission also noted an average delay of one month from preliminary hearing to indictment.

The Crime Commission concluded that a unified court system was needed to provide effective administration of criminal justice for the District of Columbia. However, the notion of a unified court was complicated by issues related to civil jurisdiction, as well as criminal trials; the Commission therefore deferred to the Committee on Administration of Criminal Justice of the Judicial Council, which had begun to study the problem. Seven months later, the work of the committee had not progressed very far. Circuit Judge Harold Leventhal testified to Senator Robert C. Byrd at the July 1967 special hearings of the Senate Subcommittee on Appropriations for the District for 1968 that "a considerable amount of planning time is required for the effort, but it is underway."

During the course of those hearings before Senator Byrd, there was considerable discussion of delay in criminal trials. Joseph F. Spaniol, Jr., Chief of the Division of Procedural Studies and Statistics of the Administrative Office of the U.S. Courts, testified that the courts did not keep statistics on delay in criminal cases. He reported that his office estimated that, for May 1967, the interval from indictment to trial in the U.S. District Court was eleven months. From a list of cases tried during October 1966 through January 1967, the subcommittee staff computed an average delay from arrest to trial at nine and one-half months. Senator Sam Ervin (D.-N.C.) submitted a prepared statement to the subcommittee in which he alluded to an average delay of fifteen months between arrest and trial in city's courts. Obviously, no one had concrete data on the matter but, however estimated, the delay was unconscionable.

Senator Byrd pressed the courts to devise a special crash program to reduce the outstanding backlog of criminal cases. The local circuit, the Department of Justice, the Administrative Office of U.S. Courts—all agreed to obtain visiting judges to help with the backlog.

Whatever good the visiting judge program might have accomplished in more stable times, it was destined to fail in the aftermath of the assassination of Dr. Martin Luther King. Chief Judge Edward M. Curran testified to the Senate District Committee in May 1968 that the approximately 400 felony cases expected as a result of the April riots would almost nullify the U.S. District Court crash program to reduce its backlog. (Clearly, the decision to prosecute as felonies the many "burglary" arrests emanating from looting incidents was based on fear of being accused of being soft on rioters, rather than on expected practical criminal justice outcomes. Mostly the arrestees were normally law abiding residents of the looted areas who, when they finally came to trial, were either acquitted or sentenced to probation.) Chief Judge Harold H. Greene of the Court of General Sessions reported a backlog of 2,032 criminal jury cases in his court, and noted that switching judges from civil matters to deal with the criminal backlog had resulted in a build-up of 5,452 pending civil jury cases. Chief Judge Morris Miller of Juvenile Court told the committee that his court would need two and one-half years to try the 487 jury cases then pending.

D. Reorganizing the Courts

Increasing political attention was being addressed to the court backlogs. Local Republican Party chairman Gilbert Hahn proposed in May 1968 that the number of judges and court personnel be tripled. His proposal was endorsed by Presidential Candidate Nixon; however, the eventual solution would rest on court reorganization rather than simply increasing the number of judges. Reorganization had been suggested by the Crime Commission and alluded to by U.S. District Court Chief Judge Curran in testimony before the Senate District Committee. (The impression among local criminal justice observers of the time was that the U.S. District Court much preferred to transfer local felonies out of its jurisdiction rather than increase its capacity to handle "cheap" felonies, traditionally mass-processed as misdemeanor charges in the Court of General Sessions.)

President Nixon, in his January 31, 1969, report to Congress on the District of Columbia, asked for expansion of the visiting judges program, for ten more judges for the local courts, and for necessary support personnel. He also recommended forty more Assistant U.S. Attorneys. He noted that he had directed the Attorney General to consult with the bench, the bar, and various interested groups to draft legislation for a permanent reorganization and restructuring of the court system, with the eventual goal of creating one local court of civil, criminal, and juvenile jurisdiction for the District of Columbia.

In July 1969, the President sent to Congress a court reorganization proposal which would create a Superior Court for the District of Columbia, equivalent to state courts elsewhere. The proposal moved rapidly through the Senate, but more slowly through the House of Representatives. Finally, the District of Columbia Court Reorganization Act of 1970 was enacted and approved by the President on July 29, 1970. The reform was designed to establish a federal and local court system similar to the state judicial systems. The Court of General Sessions,

Juvenile Court, and the D.C. Tax Court were consolidated into the Superior Court for the District of Columbia; with an expanded jurisdiction, the Superior Court would become the principal trial court of the city. Transfer of jurisdiction over local civil and criminal matters from the U.S. District Court to the Superior Court was to take place over a two-year period.

In his 1972 annual report, Superior Court Chief Judge Harold H. Greene reported that court reorganization had achieved its objective, with all local criminal calendars current for the first time since 1963. Similarly, in testifying before the House Subcommittee on District Appropriations in 1974, he reported that all local criminal trials were relatively current. His report on court operation for that year noted an average time between felony arraignment and disposition of only sixty days.

In 1975, however, U.S. Attorney Silbert warned of a 35 percent increase in pending felony cases, and Chief Judge Greene in his annual report noted that "the average time for the disposition of misdemeanor cases has risen from five weeks at the end of 1974 to twelve weeks at the end of [1975]. The average time lapse for the dispositions of felonies has risen to eight-to-ten weeks. Juvenile cases, at the end of the year, were disposed within 105 days rather than within the former sixty-day time period." Chief Judge Greene attributed these delays to insufficient budgets for court operation.

E. Pre-trial Release Procedures and Problems

The Subcommittee on Constitutional Rights of the Senate District Committee began an investigation of bail reform in 1961. In the following years, examinations of bail systems and experiments with possible reforms were conducted as the Manhattan Bail Project of the Vera Foundation in New York and as the District of Columbia Bail Project, both initiated in 1963.

The work of the Senate Subcommittee on Constitutional Rights culminated in the Bail Reform Act of 1966. The act was primarily federal legislation, but was applicable to courts of the District of Columbia because of their federal origin. Moreover, Senator Sam J. Ervin (D.-N.C.) reported that one of the prime objectives of the subcommittee was to bring about meaningful and orderly bail reform in the federal city so that the act could serve as a model for the states.

Under the Bail Reform Act, any person charged with an offense not punishable by death was to be released by a judicial officer on personal recognizance or unsecured appearance bond, unless release on those terms would not reasonably assure that the accused would be present for trial. The potential that new crimes might be committed by the accused while on release, or the possibility his freedom might pose a danger to the community, was not to be considered as a part of the pretrial release decision. Virtually everyone (except the bondsmen) testified in favor of the Bail Reform Act and supported its primary objectives—to reduce reliance on money bail as a condition for pre-trial release. Consequently, the act was passed almost unanimously by Congress, and was ceremonially signed by President Johnson as "a major development in our entire system of criminal justice."

Arguments abounded over whether the drafters of the Eighth Amendment to the Constitution intended to allow magistrates, in setting bail for offenses such as robbery and burglary, to consider the potential for committing crimes while on pre-trial release, as well as the likelihood of flight from prosecution. The crux of the dispute is that the Congress which promulgated the Eighth Amendment also enacted the bail statute in the Judiciary Act of 1789, which gave the right to bail in non-capital offenses—from which some infer a Constitutional intent for similar right to bail for non-capital offenses. On the other hand, that same Congress enacted the Crimes Act of 1970, prescribing the death penalty for such offenses as robbery, accessory before the fact to robbery, forgery, counterfeiting or altering a public U.S. security—indicating that Congress did not intend to establish a right to bail for the many serious crimes which no longer are capital offenses. Whatever the intent of the Constitution, studies performed by the Commission on Crime in the District of Columbia in 1966 verified the assumption that many courts had been considering danger to the community in setting bail. The Commission found that the average amount of bond *more than doubled* when the defendant appeared before the court a second time for an offense allegedly committed while on bail. The Commission expressed a belief that the bail system should be modified to give the public greater protection. Particularly, the Commission recommended that the Bail Reform Act of 1966 be amended to permit a judicial officer to consider a defendant's danger to the community if released on bail. (Three of the nine Commissioners dissented from the recommendation for pre-trial preventive detention.) It is noteworthy that this recommendation was submitted barely three months after the effective date of the Bail Reform Act of 1966, and was based on data collected before the reform.

As experience with the Bail Reform Act was developed, a second problem was discovered. Release of defendants on their own recognizance was contributing heavily to an increased court backlog. As U.S. District Court Judge George L. Hart, Jr., testified (at the special crime hearings of Senator Byrd's Subcommittee on District Appropriations for 1968) guilty pleas had decreased because, "if a person charged with a crime is free on personal bond, and he knows he isn't going to be tried,

perhaps for a year, there is no percentage whatever in his pleading guilty. So this continually builds up a backlog."

Senator Byrd would conclude, from the testimony at those hearings, that the Bail Reform Act of 1966—particularly as it had been operating in conjunction with the District of Columbia Criminal Justice Act, providing a system for appointment of counsel for various defendants—had placed an additional burden on already overburdened courts to a point which threatened a breakdown of the whole law enforcement system. Because of these problems, Senator Byrd prepared two amendments to the Bail Reform Act of 1966 which he intended to submit as amendments to the Omnibus Crime Control and Safe Streets Act of 1968. However, at the recommendation of Senator Ervin, he agreed to submit the proposals in the next Congress to the Senate Judiciary Subcommittee on Constitutional Rights, where they could receive more deliberate consideration.

Increased court delay was one obvious consequence of the Bail Reform Act. Danger to the community continued to be of concern as well. In May 1968, Public Safety Director Patrick V. Murphy, addressing a police promotion ceremony, said that "some form of preventive detention" must be devised to keep defendants who were a threat to the community from being released pending trial. Later that month, Chief Judge Curran and Senator Tydings would agree, at hearings of the Senate District Committee, that revision of the Bail Reform Act was needed.

With this history of concern over the Bail Reform Act, it is somewhat remarkable that, when President Nixon offered pre-trial detention as one element of his crime control program for the District, many commentators discussed the concept as though it had originated with his Administration. Less surprising (considering the opposition from some quarters to pre-trial detention) is the fact that it took until mid-1970 before pre-trial detention was enacted as part of the District of Columbia Court Reform and Criminal Procedures Act of 1970. Nor is it surprising that the new legislation imposed stringent requirements to show cause before detention and for the speedy trial of detainees.

The Criminal Procedures Act amended the Bail Reform Act in its application to the District of Columbia to permit 1) detention of five days for defendants on parole or probation from a prior conviction and charged with a new crime, so that proceedings can be initiated for revocation of parole or probation; 2) detention of up to sixty days for defendants who threaten to injure witnesses or jurors; and 3) detention of up to sixty days for a limited class of defendants charged with crimes such as murder, robbery, burglary, and narcotics sales. It is important to mention that the 1970 act continued to permit the judicial officer to require a bail bond for pre-trial release if, in his discretion, a bail bond were required to assure the appearance of the accused for trial. However, the 1970 act also provided that "no financial condition may be imposed to assure the safety of any other person in the community."

The pre-trial detention provisions of the 1970 law have been used so infrequently as to be of little value. The Assistant U.S. Attorney in charge of prosecutors at Superior Court was cited in the *Washington Post* as estimating that pre-trial detention had been used only about twenty times each year since its enactment. No precise count of preventive detention cases has been made, but his estimate, although perhaps high, reflects the consensus.

The reasons are varied. (Before discussing them, it is worth noting that both judges and prosecutors of the District of Columbia have interpreted the statute as authorizing only the prosecutor—not the court—to initiate the pre-trial detention process.)

Prosecutors say that nearly three-quarters of those suitable for pre-trial detention are on parole or probation at time of arrest and that revocation of probation or parole would therefore be preferrable to pre-trial detention. Second, they state that the sixty-day limitation on bringing to trial a person held in pre-trial detention is unrealistic in most cases. Third, they argue that requirements of proof for pre-trial detention are so stringent the prosecutor must prove at the detention hearing virtually everything he needs to prove at the criminal trial.

A fourth reason, offered by observers of the system, is that prosecutors find it easier to persuade judges that the defendant is likely to flee before trial. The prosecutor thereby obtains a high bail bond requirement, which effectively serves as preventive detention. (Paradoxically, the more often a defendant has been charged with crime and has subsequently appeared at court hearings, the more difficult it is for the prosecutor to argue persuasively that flight is likely.) A November 1975 estimate cited by the *Washington Post* suggested that half the prisoners being detained in jail pre-trial were being held because of their inability to obtain security bonds.

Thus, ten years after the Bail Reform Act, the pre-trial detention process seemed to work almost as it did before 1966. In the absence of any effective alternative to keep dangerous offenders from the streets, the courts were still invoking high money bond requirements on a theory of likelihood of flight.

F. Revocation of Probation

In the District of Columbia criminal justice system, probation is administered by the court. The defendant sentenced to probation does not enter the custody of the Department of Corrections, but remains within the juris-

diction of the court under the supervision of its probation branch.

The District of Columbia Crime Commission was highly critical of probation services as they existed for the Court of General Sessions in 1965–66. The Commission recommendations led to a complete reorganization of the probation service of that court; and the revised probation service was, of course, further modified by the establishment of the Superior Court in 1970.

Until the late 1960's, little attention was paid to probation as a process for the control of crime. For example, the Crime Commission made only passing reference to revocation of probation after violation of prescribed conditions. One reason for that inattention was that the probation service then dealt mostly with non-violent, less serious offenders. The later interest in probation has derived from the operation of the Bail Reform Act and its amendments.

There are no data to support this notion, but it seems clear from the findings of the Crime Commission that, before the Bail Reform Act, a probationer rearrested for a serious offense would probably be held on high bail; therefore it was immaterial whether the probation was revoked or not. The Bail Reform Act changed that situation. An arrestee who had been placed on probation from an earlier offense would be expected to have the kinds of community ties needed to qualify for pre-trial release. Consequently, if probation was not immediately revoked, the arrestee was likely to be released to the streets again.

The issue of how these arrestees were to be processed was not openly discussed until the 1967 hearings of Senator Byrd's Subcommittee on District Appropriations. During his sessions on crime control, he asked Chief Judge Greene of the Court of General Sessions about guidelines for revoking probation in cases where the probationer commits a new offense. Chief Judge Greene testified that the instructions to the probation service at that time were that, if a probationer were charged with a substantial new offense, an effort be made to determine if there were some violation other than the criminal charge itself on the basis of which probation could be revoked. If so, the matter was to be brought to the attention of the judge. However, if there were no technical violation, and the new charge appeared to have substantial merit, the probation service was to recommend revocation on that basis alone.

Later, however, this policy apparently changed. A persistent complaint of prosecutors was that revocation of probation (and also of parole) was not being exercised in cases of rearrests of probationers, as had been contemplated in the 1970 amendments to the bail process. These complaints seem to be substantiated by data (made available to the *Washington Post* by Superior Court) indicating that, of some 4,000 persons on probation in 1975, almost 1,000 were rearrested on new charges. Some 200 of those had their probation revoked, but fewer than ten of the revocations occurred *before* trial took place on the new charges. (There is no indication of the seriousness of the new charges; most undoubtedly were misdemeanors.)

In April 1976, the judges of Superior Court authorized the immediate jailing, without bond, of persons on probation who were arrested and charged with serious new crimes. Within five days, a hearing would be held to determine if the prosecutors could show probable cause to believe that the arrestee had committee the new offense. If the prosecutor demonstrated probable cause, the judge might revoke probation.

G. Summary

- Three sets of court-related issues during the period studied revolved around a) appellate court decisions, b) court delays and backlogs, and c) pre-trial detention or release. For most of the period, these issues must be viewed in the context of a unique, city-federal judicial system.
- Following the 1957 ruling of the Supreme Court in *Mallory*, senior police officials claimed that the ruling would hamper investigations. Prosecutors also expressed concern as restrictions on the questioning of suspects were expanded by the Circuit Court.
- While legislative discussions of appellate court restrictions were frequent in the early 1960's, the far more serious problem of criminal court backlogs was virtually overlooked.
- Because of its inherent complexity, court reform was slow to be achieved. Court reorganization was not legislated until 1970 and not fully implemented until 1972.
- Extensive use of pre-trial release, under the Bail Reform Act of 1966, apparently increased court backlogs. Released defendants were not inclined to press for early trial, and some committed new crimes while on pre-trial release.
- The 1970 amendments to the Bail Reform Act produced only limited results. Apparently prosecutors were frequently able to convince the courts to set high money bond on the premise that the defendant was likely to flee.
- Prior to 1966, a person arrested for a serious offense while on probation was likely to have the probation revoked. By the early 1970's, this practice was the exception rather than the rule. In 1976, however, the Superior Court judges authorized the immediate jailing of probationers arrested for serious new crimes.

CHAPTER VI. CHANGES IN CORRECTIONS

A. District Correctional Institutions

1. *Lorton Reformatory*. Occupying approximately seventy-two acres of the Lorton Reservation, the Reformatory began operation in 1915, primarily to house male felons having sentences of one year or more. The original buildings, plus others added later, were eventually enclosed by a fence. The Karrick Committee in 1957 described the Reformatory as "a medium security penitentiary." In 1969, adult services in the Lorton area were reconstituted as a single organizational entity. Its three divisions were the maximum security and medium security facilities (the former Reformatory) and a minimum security facility. Placement among these facilities is determined on the basis of offense and attitude.

2. *Workhouse*. Opened as a minimum security facility in 1910, the Workhouse was designed as a model institution to provide outdoor work and rehabilitation for misdemeanants formerly held in the District Jail. It eventually grew to occupy more than twenty-eight acres of the Lorton Reservation. Before 1967, a majority of its inmates were confined as a result of public drunkenness or charges related to it. (The Karrick Committee reported that, in fiscal year 1956, 85.5 percent of Workhouse admissions followed conviction for public drunkenness, disorderly conduct, or vagrancy.) Then came the decision in *Easter v. District of Columbia* and the Alcoholic Rehabilitation Act of 1967. The *Easter* decision's requirement for medical treatment for alcoholics, together with a diminishing population of criminally convicted alcoholics, led to the creation of a non-criminal Rehabilitation Center for Alcoholics, comprising substantial portions of the Women's Reformatory and the Workhouse.

In 1970, the rest of the old Workhouse was redesignated as the minimum security facility for Adult Correctional Services at the Lorton Reservation. However, for continuity and ease of reference, the terms "Workhouse" and "Reformatory" will be used throughout this chapter.

3. *Youth centers*. The District of Columbia built the first facility in the nation designed to implement the Federal Youth Corrections Act of 1950. (The act provided a multi-disciplinary approach to the problems of prisoners between the ages of eighteen and twenty-six, with programs of education, training, and therapy.) The facility was occupied during fiscal year 1961. A second Youth Center has since been established on the Lorton Reservation, differing from the first only in inmate capacity and programs offered. Commitments are for an indeterminate period, with immediate eligibility for parole. The youths are not normally held for more than four years, with six years the maximum; sixty-day commitments may also be made for observation and study.

4. *Women's detention*. The Women's Reformatory was opened in 1912 to relieve overcrowding in the Jail and to provide work opportunities geared to female offenders. A minimum security facility, located on an unfenced and unwalled tract adjacent to the Workhouse, it housed both misdemeanants and felons, including those committed under the Youth Corrections Act. (A Youth Cottage with a capacity of twenty-one inmates was constructed during the early 1960's.) The Karrick Committee noted that 95 percent of the women were misdemeanants, with 84 percent of those commitments being for alcoholism and associated offenses. Because of the differences in sentence length, however, the population of the Women's Reformatory at any one time contained a majority of felons (61 percent in 1956). After the *Easter* decision halved the female offender population, inmates were shifted to other facilities. The House of Detention (formerly used by the police department to hold female arrestees pending arraignment or release on collateral) was primarily used. Renamed the Women's Detention Center, this facility now houses female offenders being held for trial and those sentenced to less than one year. Those sentenced to terms in excess of one year are sent to the Prison for Women operated by the Federal Bureau of Prisons at Alderson, West Virginia.

This chapter does not generally take into account the female population of the correctional system, except to include their numbers in the appropriate tables. For one thing, the female population did not exceed 5 percent of the total institutional population during the period studied. For another, few of the female offenders were incarcerated as a result of the Crime Index offenses with which this study is concerned. Finally, data are unavailable regarding profiles of female offenders.

5. *Jail*. The oldest of the District's correctional institutions, the Jail was opened in 1872. During the early

years of the period studied, the Jail was used primarily for detaining individuals awaiting trial, those held for federal or other law enforcement authorities, sentenced offenders awaiting transfer to other facilities, offenders serving terms of five days or less, and a cadre of offenders sentenced to longer terms who were kept at the Jail because of skills useful in maintenance, medical, or clerical duties. In later years, the Jail was increasingly used to incarcerate longer-term offenders. In April, 1967, 70 percent of the prisoners were unsentenced, 18 percent were sentenced misdemeanants, and 12 percent were sentenced felons. By February 1975, only 51 percent of the prisoners were unsentenced, while 6 percent were sentenced misdemeanants and 43 percent were sentenced felons. The Bail Reform Act of 1966 contributed to this shift. So did the court reorganization of 1970, for reasons discussed later in this chapter.

A District Detention Center, intended to replace both the Jail and the Women's Detention Center, was dedicated March 30, 1976. However, the new facility had insufficient space to handle the inmate populations at that time.

6. *Community correctional centers*. The District's first half-way house opened in 1964 under the auspices of the Bureau of Rehabilitation. The Department of Corrections opened a half-way house in 1967. These early efforts were significantly expanded after the American Correctional Association recommended to the Crime Commission that "several hundred offenders now incarcerated might be safely cared for in community based residential and treatment programs at a great reduction in cost and with no increased risk to society." By 1971 there were thirteen half-way houses in the District. Studies were in conflict, however, as to whether they could be fairly described as providing a "great reduction in cost" or even whether they were being operated at "no increased risk to society."

B. Population of Correctional Institutions

Table 6–1 shows the capacity of the various correctional institutions in 1957, 1966, and 1970. For each institution there is a *rated capacity* (in most cases based on the standards of the American Correctional Association) and an *intensive capacity* (indicating the number of prisoners who could be handled with what the sources describe as "moderate crowding"). Also shown for each year is the *daily average population* of all the institutions. In comparing the daily average with the rated or intensive capacity, it is important to remember that the peak population for a given year may be considerably higher than the average. For example, the daily average in fiscal year 1960 was 4,486, but newspaper accounts indicate that the corrections population actually reached 5,083 in June of that year.

On the other hand, there is a tendency for standards established by professional associations to represent the ideal rather than the practical. This tendency may be compounded by the manner in which an agency applies the standards to its own operations. Thus the District Jail appears to be shrinking, with a capacity of 790 in 1957 and 663 in 1970, and with a capacity of 608 reported to the U.S. District Court in 1975.

Except for the Jail, the changes shown in Table 6–1 seem logical enough. Construction no doubt accounts for the increased capacity of the medium and maximum security facilities at Lorton; the minimum security facility lost capacity when much of the former Workhouse was converted to the Rehabilitation Center for Alcoholics. Similarly, construction of the Youth Cottage accounts for an increase in the capacity of women's

Table 6–1

Capacity of Correctional Institutions District of Columbia

	1957 Capacity		1966 Capacity		1970 Capacity	
	Rated	Intensive	Rated	Intensive	Rated	Intensive
Lorton (medium and maximum security)	1200	1350	1218	1345	1384	1646
Lorton (minimum security)	1000	1100	337	1080	300	450
Youth Centers	---	---	344	NA	324	350
Women's Detention	160	200	181	221	50	90
Jail	790	1050	695	NA	663	1100
Community Centers	---	---	---	---	254	270
TOTAL	3150	3700	3375	NA	2975	3906
Daily Average Population	4659		4251		3640	

Source Notes: These data are constructed from the following reports:
Prisons, Probation, and Parole in the District of Columbia, April 1957 (Karrick Report)
President's Commission on Crime in the District of Columbia, 1966
Letter from Mayor Washington to Judge Gesell, December 1971

detention between 1957 and 1966, while the later drop reflects the shift to the former House of Detention.

Table 6–2 shows the daily average population for each of the institutional categories during the period of this study. The total population of all institutions, compared with their rated capacity (Table 6–1) indicates overcrowding throughout most of the period. The exceptions are 1967 and 1968—the two years following the *Easter* decision—and fiscal year 1975.

Prior to the period of this study, the correctional population was rising. The Karrick Commission reported that the average daily population of the institutions more than doubled between 1946 and 1956. Graph 6–3 shows that a slight dip occurred in total population in fiscal years 1957 and 1959, with an upswing thereafter to a peak in 1961—primarily as a result of fluctuations in the misdemeanant population of the Workhouse. From 1961 to 1966, there was a general decline in the corrections population, matching the trend elsewhere in the country. In the District, according to Graph 6–3, the decline resulted primarily from a sharp reduction in the felon population at the Reformatory. The graph is slightly deceptive, however, for part of that drop came from shifting prisoners from the Reformatory to the Youth Center opened in 1961.

The extreme drop in the institutional population in 1967 and 1968 reflects, of course, the decriminalization of alcoholism through the *Easter* decision and the Alcoholic Rehabilitation Act of 1967. The effects can be clearly seen on Graph 6–3, with their influence on the populations of both the Workhouse and the Jail. At the Jail, the reduction was offset in subsequent years by an increasing proportion of convicted serious offenders. Nearly one-half the Jail population in 1975 consisted of convicted offenders—an interesting point in view of the reduced population of Lorton and the fact that the Department of Corrections was then under suit in Federal District Court for overcrowding at the Jail.

The opening of Youth Centers in the Lorton Reservation effectively reduced the number of offenders housed in the Reformatory. Graph 6–4 reconstructs the trend line of the basic Reformatory population, to which is added a new line showing the Reformatory population plus the Youth Center population. A second element was the opening of Community Corrections Centers. Graph 6–4 also provides a trend line adding the Reformatory, the Youth Centers, and Community Corrections populations. As can be seen, the combined 1973 populations of the Reformatory and the Youth Centers significantly exceeded the 1957 peak for the Reformatory alone. And when Community Corrections are added, the 1973 peak is one-third higher than 1957.

Unfortunately, Graph 6–4 is fraught with misleading indicators which cannot be eliminated with available data. For one thing, the concept of the Reformatory as an institution for felons, with the Workhouse as an institution for misdemeanants, no longer pertains. Then too, a substantial number of convicted felons have been held at the Jail in recent years. Finally, community correctional centers are used not only as half-way houses for con-

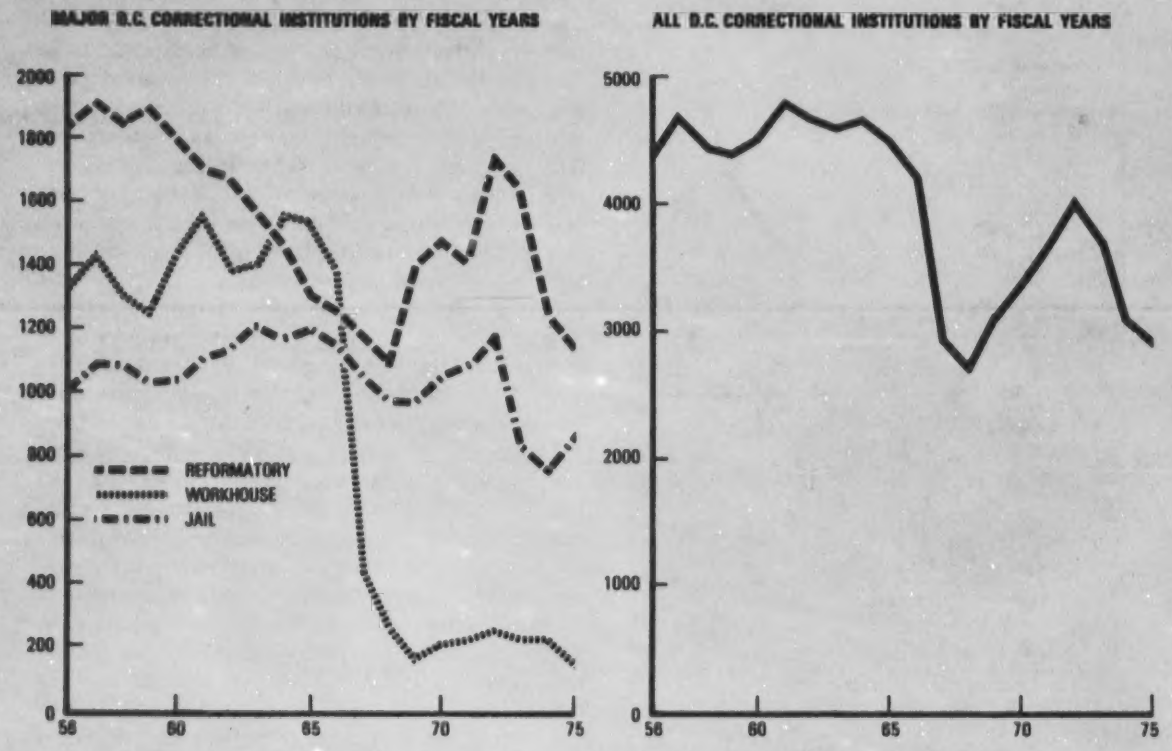
Table 6–2

Daily Average Institutional Population District of Columbia Corrections

Fiscal Year	TOTAL	Reformatory	Workhouse	Youth Center	Women's Detention	Jail	Community Centers
1956	4393	1857	1329		204	1003	
1957	4659	1932	1426		205	1096	
1958	4464	1872	1308		201	1083	
1959	4365	1896	1239		202	1028	
1960	4486	1830	1428		201	1027	
1961	4753	1704	1540	201	204	1104	
1962	4632	1681	1377	278	171	1125	
1963	4593	1558	1390	268	169	1208	
1964	4645	1456	1563	301	170	1155	
1965	4496	1302	1539	293	159	1203	
1966	4251	1248	1395	305	149	1154	
1967	2808	1179	460	294	72	803	
1968	2660	1066	244	271	73	962	44
1969	3086	1401	161	349	80	961	134
1970	3367	1481	214	383	87	1045	157
1971	3640	1408	224	362	89	1092	465
1972	4042	1736	255	364	95	1175	417
1973	3689	1652	232	545	83	816	361
1974	3107	1252	236	528	59	747	285
1975	2942	1133	150	530	62	854	213

Graph 6-3

AVERAGE DAILY POPULATION



victed offenders, but also for pre-trial holding of some arrested persons.

Of even greater importance, a radical change in the effective distinction between a "convicted felon" and a "convicted misdemeanant" resulted from the reorganization of the District criminal courts beginning in 1970. As discussed in Chapter 5, many felonies were being referred to the Court of General Sessions for prosecution as misdemeanors. Following the court reorganization, the distinction between felons and misdemeanors in the prison population unquestionably bore a closer relation to statutory distinctions than was the case in previous years.

It is possible to construct a reasonable estimate of institutional population for the period, including both felons and misdemeanants but excluding the drunkenness offenders whose numbers distort the data prior to the *Easter* decision. These estimates are developed in Table 6–5 and plotted on Graph 6–6. On the graph, the drop in the population of non-drunkenness offenders is not as sharp during the mid-1960's as when felony offenders were taken alone (see Graph 6–4). However, a reduction did occur. Regarding offenders incarcerated *for offenses other than drunkenness*, the District's correctional population for 1972–1973 was not only higher than during the mid-1960's, but also higher than during the mid-1950's. (This is so even if the half-way houses are excluded.) Also confirmed is the decline in the incarcerated population from the 1972–73 peak through to the end of the period.

It is difficult to pinpoint the factors which caused the shifts in this city's correctional population. Looking at Tables 6–7 and 6–8, we might conclude that changing policies toward probation and parole were influencing the trends. Both the Karrick Committee (1957) and the American Correctional Association (1966) criticized District officials as being too conservative in these areas. The overall tone of the Karrick Committee report was toward increased use of probation and parole as a remedy for overcrowded correctional institutions. The American Correctional Association concluded that "many who apparently could have benefited by probation were sent to prison." Regarding parole, the Crime Commission took note of the parole board's conservative policies, but the members divided on whether or not the board was, in fact, too conservative.

Obviously, the number of crimes in a community and the number of arrests can be expected to have a signifi-

Graph 6-4

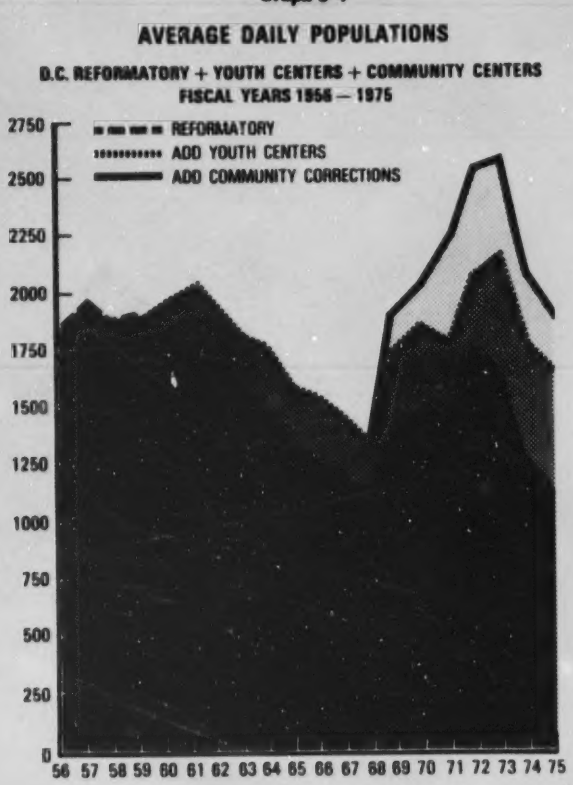


Table 6–5

Estimated Institutional Populations Excluding Drunkenness Offenders District of Columbia Corrections

INSTITUTION	PERIOD OF ESTIMATES 1956–57	1965–66	1972–73	1975
Reformatory	1894	1275	1694	1133
Youth Centers	- - -	299	454	530
Work House	495	528	243	150
Jail	766	880	995	854
Community Centers	- - -	- - -	389	213
TOTAL	3155	2982	3775	2880
Per 100,000 Population	38.0	37.2	49.9	39.3

Basis of Estimate:

1. Assumed reformatory and youth center populations for all four periods are non-drunkenness.
2. Assumed work house population for first two periods to be 36% non-drunkenness (see Crime Commission Report, Appendix, pg. 675), and all population for latter two periods to be non-drunkenness.
3. Assumed jail population for first two periods to be 73% non-drunkenness (estimated from data in Crime Commission Report, Appendix, pg. 670), and all population for latter two periods to be non-drunkenness.
4. Assumed community center population for latter two periods to be non-drunkenness.

cant influence on the population of correctional institutions, other things being equal. Conversely, if we impute some importance to the notion of *incapacitation* as a function of imprisonment, then a higher level of imprisonment, within some limits, might be expected to be followed by reductions in crime. Superimposing the graphed trend of reported Crime Index offenses upon the trend of incarcerated non-drunkenness offenders (see Graph 6–4) indicates the possible influence of incapacitation in the criminal justice process. (The number of police officers in the city, the narcotics epidemic, and a variety of other factors also bear graphic relationships to the trends of reported crime.)

In comparing the crime levels with correctional populations, we must take into account that delays can be expected between fluctuations in crime levels and correctional levels, and vice versa. The Karrick Committee commented that "it is an anomaly that we enjoy . . . a constantly decreasing crime rate while, at the same time, our prison populations are spiraling." Aside from the fact that the Karrick Committee sometimes did not distinguish very well between drunkenness-related offenses and other kinds of crime, one might assume that a relatively high level of serious offenders incarcerated in correctional institutions in 1956–57 was a logical aftermath to the unusually high level of crime in the District of Columbia in 1952–53. Similarly, it would be unremarkable that serious crime would peak in 1970 (Graph 6–9) while the population of incarcerated offenders would peak two years later. Then too, some offenses—such as weapons violations, narcotics violations, and a variety of others which result in incarceration—are not represented in the trend line for reported Crime Index offenses.

An interesting facet of the increase in correctional population after 1968 is that a significant proportion of the increase occurred in fiscal years 1969 and 1970, *before* the effective date of the court reorganization. Some participants in the prosecutor/court systems of the period have suggested that contemporary White House pressure, together with pending court reorganization, produced a prophetic effect of higher performance which preceded the legislation.

Despite reservations which force cautious analysis, I tentatively conclude that the varying levels of imprisonment have been among the major factors influencing trends of crime in the District of Columbia.

My purpose in this chapter, however, is not to demonstrate a correlation between crime and levels of imprisonment in the District of Columbia, but to verify the assumption that the nature of prisoners incarcerated in District of Columbia institutions has significantly changed over the period of this study, and that such

Graph 6-6

ESTIMATED INSTITUTIONAL POPULATIONS

EXCLUDING DRUNKENNESS OFFENDERS

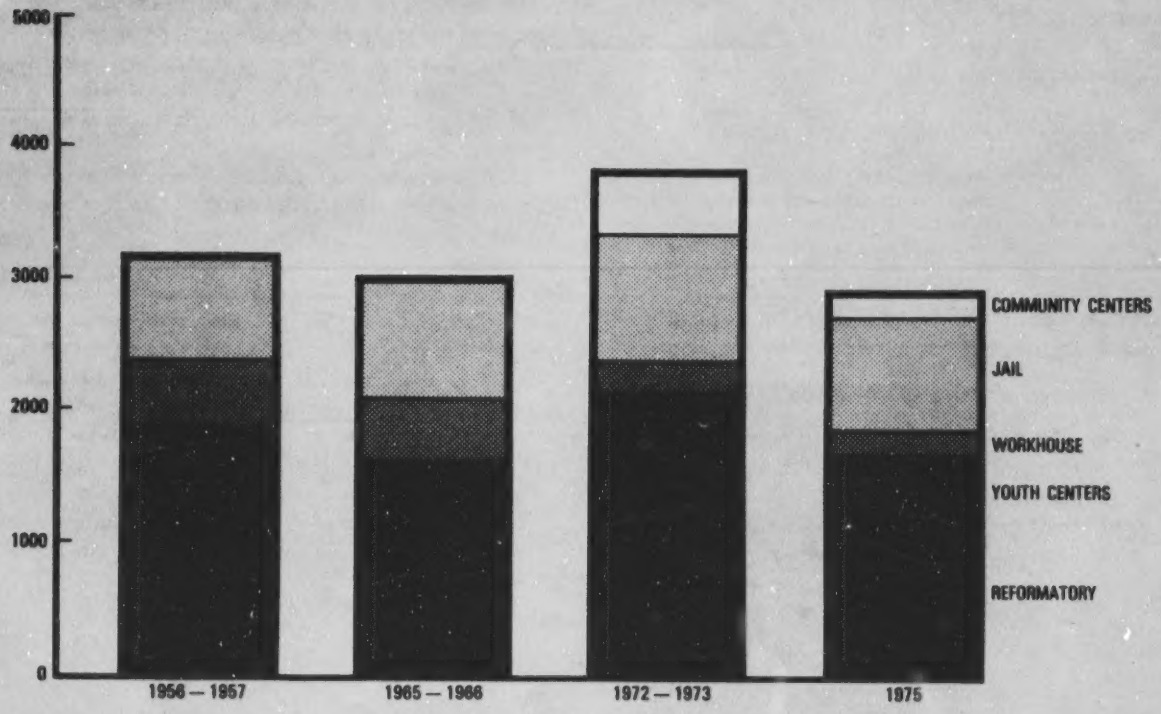


Table 6–7

Parole Hearings and Grants by Fiscal Years

FISCAL YEAR	NUMBER PAROLE HEARINGS	NUMBER PAROLES GRANTED	PERCENT HEARD GRANTED	NO. ON PAROLE END OF F.Y.
1956	595	180	30.2	
1957	776	258	33.3	
1958	757	269	35.6	
1959	709	294	44.4	
1960	777	307	39.5	
1961	762	183	25.3	
1962	613	130	21.2	
1963	620	120	19.4	
1964	616	133	21.5	
1965	699	180	25.7	355*
1966	616	139	22.5	
1967	812	386	47.5	
1968	677	381	56.3	
1969	851	456	53.5	
1970	714	436	61.1	1235
1971	775	499	64.4	1507
1972	1307	731	55.9	1652
1973	1375	923	67.1	2061
1974	1191	869	73.0	2567
1975				2415

* December 1965

Table 6–8
Releases to Probation and Parole

	1957	1966	1973
Released to:			
U.S. Probation	305	324	NA
D.C. Probation	463	1442	2393
Parole	209	139	923
TOTAL	977	1905	3316

Source Notes: Constructed from report on prisons, probation and parole in the District of Columbia (Karrick Report), April 1959, from Report of President's Commission on Crime in the District of Columbia, 1966, and from Annual Report of Superior Court, 1972.

change in composition has contributed to the problems of managing the institutions and controlling the inmates.

C. Characteristics of Inmates

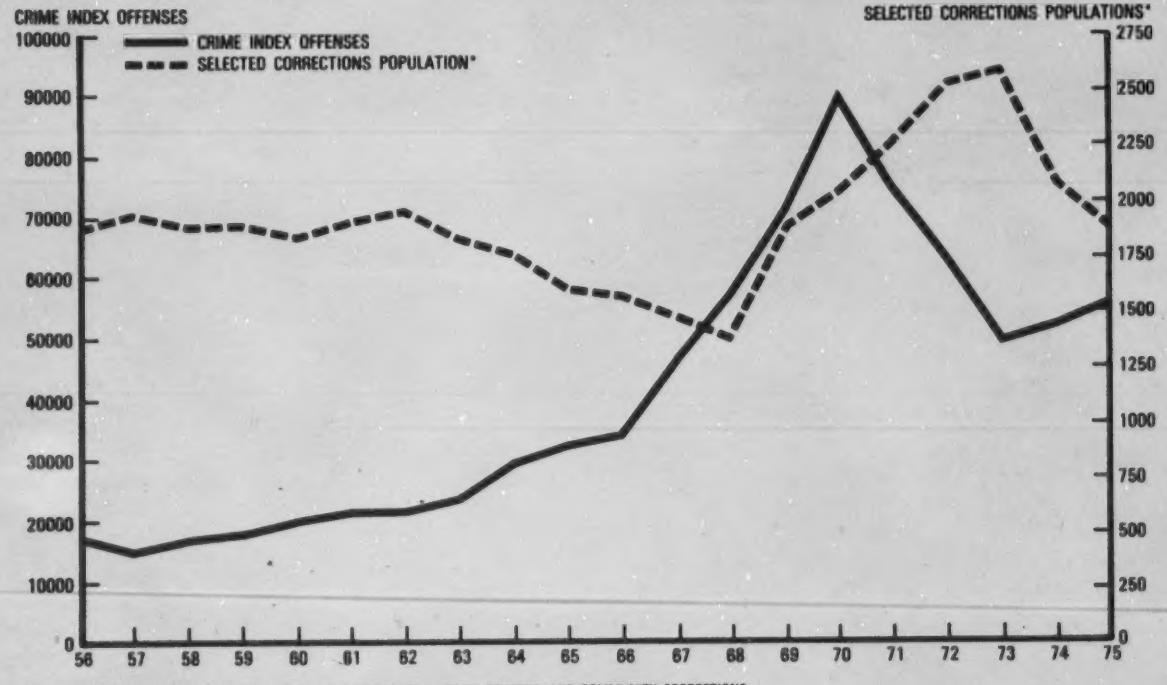
The Karrick Committee provided rather extensive information on the kinds of individuals admitted to various correction institutions in the 1950's. It was possible to extract from reports of the Narcotics Treatment Administration some indicators of the composition of offenders being admitted to the District Jail during 1969 and 1973. Otherwise, information is difficult to obtain. Consequently, the data indicating the character of offenders by offenses charged, by age group, and by heroin use are from samplings of persons admitted to the Jail, rather than from averages of offender populations across all institutions. Despite this flaw, the changes in characteristics of offenders admitted to the Jail are so striking that a substantial change in overall offender population can comfortably be inferred.

1. *Offenses charged against prisoners.* Table 6–10 displays the kinds of offenses charged to persons admitted to the District Jail in 1956, 1969, and 1973. (The data are not strictly comparable. For example, the 1956 data apparently represent all *convicted and sentenced persons*, while the 1969 and 1973 data represented small samplings of prisoners received at the Jail whether *convicted or awaiting trial*.) For convenience, the 1956 data have been separated into two columns, one showing percentage distribution of offenders when drunkenness and drunkenness-related offenders are included, and the other column showing percentage distribution when those categories are omitted. For purposes of comparison with 1969 and 1973, the latter column is more helpful.

Graph 6-9

OFFENSES REPORTED AND CORRECTIONS POPULATIONS

FISCAL YEARS 1956–1975



*ACCUMULATED AVERAGE DAILY POPULATIONS OF REFORMATORY, YOUTH CENTERS, AND COMMUNITY CORRECTIONS.

Table 6–10
Persons Admitted to D.C. Jail—Offenses Charged

	1956		NTA Study 1969	NTA Study 1973
	Special Category D			
	Included	Excluded		
A. Crimes Against Persons				
Robbery	----	2.8	13.	25.0
Assault	2.0	8.9	9.	7.5
Homicide	----	----	3.	4.5
Sex offense	----	1.0	1.	6.0
Child neglect	----	----	----	.5
Kidnapping	----	----	----	.5
Sub-Total	3.3	14.6	26.	44.0
B. Crime Against Property				
Larceny	3.0	13.1	14.	7.0
Burglary	----	3.3	8.	5.5
Receiving stolen property	----	----	2.	1.0
Destroying property	----	1.2	2.	1.0
Forgery and fraud	----	2.7	4.	3.0
Unlawful use of vehicle	----	1.5	3.	5.5
Sub-Total	4.7	20.8	33.	23.0
C. Other Crimes				
Narcotic law violations	----	3.3	10.	8.5
Possession implements of crime	----	----	2.	.5
Weapons offenses	----	2.6	6.	9.5
Parole/probation violations	----	----	1.	9.5
Absconding	----	----	1.	7.0
Traffic	3.7	17.0	2.	3.5
Other (except below)	9.6	42.3	16.	3.5
Sub-Total	14.6	64.6	38.	42.0
D. Special Category Offenses				
Drunkenness	71.6	exc.	----	----
Disorderly, vagrancy, etc.	5.8	exc.	3.	----
Sub-Total	77.4	exc.	3.	----
TOTAL	100.0	100.0	100.0	109.0*

* Does not equal 100% because of multiple charging

Source Notes: Data for 1956 are constructed from data at pg. 280 of the report on Prisons, Probation, and Parole in the District of Columbia, April 1957 (Karrick Report).
Data for 1969 are from A Study of Narcotics Addicted Offenders at the D.C. Jail, Narcotics Treatment Agency, 1969 (Table 29).
Data for 1973 are from a similar NTA Study for 1973 (Table 18).

The most striking change is found in the *robbery* category, which increased from 3 percent of all offenders in 1956 to 13 percent in 1969 and 25 percent in 1973. (In terms of offenses reported, robbery increased from 709 offenses in 1956 to 12,366 in 1969 and decreased to 7,171 in 1973.) The 1969 data on robbery requires caution, for at that time many robbery offenses were still being referred to the Court of General Sessions for trial as larcenies.

The category of *assault* shows little change over the period of the study, which is unsurprising since most of those offenses represent intra-family fights. The trend of reported assaults is generally unrelated to other crime trends and has remained relatively stable over the period of the study.

The increase in commitments for *homicide* and for *sex offenses* seem to bear reasonable relationship to increases in those crimes in the latter half of the 1960's and the early 1970's.

Among crimes against property, the outstanding change has occurred in the category of *larceny*, which declined from 13 percent and 14 percent in 1956 and 1969, respectively, to only 7 percent in 1973. A possible explanation for the decline from 1969 to 1973 is the elimination of persons charged with robbery and convicted of larceny, under procedures common before court reorganization.

Another remarkable change is the increase in 1973 of persons committed for *unlawful use of vehicles*. The interesting fact here is that auto theft within the District

of Columbia sharply declined from 11,190 offenses in 1969 to only 4,713 offenses in 1973. It may be, and perhaps is even likely, that the increase in commitments again reflects the trial of felonies as felonies following court reorganization.

Among other crimes, the notable changes are the increase of narcotics violations from 3 percent of offenders in 1956 to 10 percent in 1969 and 8 percent in 1973; the sharp upswing in weapons offenses from 3 percent in 1956 to 6 percent in 1969 and 10 percent in 1973; and the major increase in commitments for parole, probation, and absconding violations. Concomitantly, there was a significant decrease in traffic offenders committed and in persons committed for "other" offenses. (Regarding the "other" category, it should be noted that in 1956, for non-drunkenness related offenses, 15 percent of offenders were committed for non-support and 16 percent for what were described as "miscellaneous minor offenses.")

2. *Age of prisoners.* As with offenses charged, it has been necessary to construct tables reflecting age groups from data sources which are not precisely comparable. Again, though, the degree of change is so striking that the probable inaccuracies are muted.

Data for 1956 are constructed from admissions to the Workhouse and the Reformatory as reflected in the Karrick Committee report. As can be seen in Table 6–11 the Workhouse population tended to be much older because of drunkenness offenders, who tended to be middle-aged or older. The 1969 and 1973 data were obtained from the Narcotics Treatment Agency studies of persons received at the District Jail. Consequently, the 1956 data are for convicted offenders, while the later tabulations are for persons received at the Jail either before or after convictions.

Table 6–12 demonstrates the dramatic shift to younger inmates being incarcerated by District correctional institutions from 1956 through 1969. For example, considering only the Reformatory (felon population in 1956), inmates under 22 years of age shifted from 8 percent in 1956 to 36 percent in 1973. Equally dramatic is the shift from a majority of inmates at 30 years of age or older in 1956 to nearly two-thirds *under* 30 years of age in 1969 and to three-quarters *under* 30 by 1973. The estimated average age dropped from 33.5 years in 1956 to 27.7 years in 1969 and 25.5 years in 1973. All of these age group changes are substantially more dramatic if the Workhouse population, including drunkenness offenses, is included.

3. *Heroin use by prisoners.* The incidence of heroin use among persons admitted to District correctional institutions reflects a trend similar to that estimated for the District as a whole. The consensus is that heroin use was a relatively stable problem in the city until the mid-1960's, rose sharply from about 1964 to a peak in 1969, and dropped off sharply thereafter.

It is obvious from the Karrick Committee Report, which made only passing references to narcotics offenders and narcotics addicts, that the issue was not a pressing one in the view of correctional authorities in 1956. On page 24 the report noted an increase in Jail commitments for narcotics violations to 245 offenders, compared to 186 the prior year. And on page 32, the report noted that overcrowding made it difficult to fulfill the requirement that "narcotics addicts . . . must be carefully segregated." Otherwise, no information what-

Table 6–11

Prisoners Admitted to Correctional Institutions By Age Groups—Fiscal Year 1956

Age Groups		Fiscal Year 1956		Consolidated	Workhouse & Reformatory		Reformatory Alone	
Work House	/Reformatory	Admissions to Workhouse	Admissions to Reformatory	Age Groups	Estimated Total No.	Percent of Total	Estimated Total No.	Percent of Total
17 & under	/ - - - -	11	- - -					
18 to 20	/ 18 to 21	184	157	under 22	457	2.8	157	8.4
21 to 23	/ 22 to 24	315	256					
24 to 29	/ 25 to 29	1258	408	under 30	2589	15.6	821	43.8
30 to 35	/ 30 to 34	2043	369					
35 to 39	/ same	2485	237	under 40	7723	46.6	1427	76.1
40 to 49	/ same	5431	282					
50 to 59	/ same	3641	104	40 & older	10710	64.7	448	23.9
60 to 69	/ same	1015	46					
70 & over	/ same	175	16					
	TOTAL	16558	1875		16558	- - - -	1875	- - - -
Estimated Average Age					42.8			33.5

Source Notes: This table was constructed from data at pg. 436 and 636 of the Report on Prisons, Probation and Parole in the District of Columbia, April, 1957 (Karrick Report).

Table 6–12

Prisoners Admitted to D.C. Correctional Institutions—by Age Groups and Heroin Use 1956–1969–1973

Age Groups	1956		1969	1973
	Reformatory and Workhouse	Reformatory Only	D.C. Jail	D.C. Jail
Under 22	2.8%	8.4%	33.3%	36.5%
22 and older	97.2%	91.6%	66.7%	63.5%
Under 30	15.6%	43.8%	65.3%	75.5%
30 and older	84.4%	56.2%	34.7%	24.5%
Under 40	46.6%	76.1%	86.7%	87.5%*
40 and older	64.7%	23.9%	13.3%	12.5%*
Estimated average age	42.8 yrs.	33.5 yrs.	27.7 yrs.	25.5 yrs.
Heroin Use:				
Addicted	NA		45.0%	21.5%
Users not addicted	NA		NA	13.5%

Source Notes: Data for 1956 are constructed from Karrick Committee Report
Data for 1969 are constructed from A Study of Narcotics Addicted Offenders at the D.C. Jail, Narcotics Treatment Agency, 1969 (Table 17)
Data for 1973 are from the similar NTA study for 1973 (Table 12)

* 1973 data separate at 38 rather than 40 years of age

soever was given regarding the inmate population which used or was addicted to heroin or other narcotics.

The President's Commission on Crime in the District of Columbia was somewhat more forthcoming. The American Correctional Association reported to the Commission that:

> Using medical facilities, such as the institution at Lexington, for care and treatment of drug addicts could reduce some of the overcrowding, as 14 percent of the total population are serving sentences for drug law violation.

The Commission itself noted that, "as of December 31, 1965, the Department of Corrections estimated it had in its institutions over 300 persons convicted of narcotics offenses, and another 200 addicts convicted of other offenses." (That estimate indicates that about 12 percent of the correctional population—17 percent of the non-drunkenness offenders—were users of or addicted to narcotics.)

At 1969 hearings before the Senate District Committee, the Director of Corrections testified as follows:

> If present trends continue . . . during the year 1969 we will have booked into the District of Columbia Jail more than 1,500 narcotic-involved offenders. This is more than double the number we booked in 1968, and more than seven times the number we booked in 1965. To put it simply, our intake of narcotic-involved offenders is skyrocketing.

Evidently the Department of Corrections was one of the first District agencies to recognize the growing problem of narcotics involvment among criminal offenders in the city. This led the department to develop a narcotics treatment capability, precursor of the Narcotics Treatment Administration which began operations in 1970 under the Department of Human Resources.

Several studies were made by the Narcotics Treatment Administration of persons admitted to the District Jail in 1969, 1971, and 1973. The NTA report for 1969 showed a 45 percent level of heroin addiction among inmates admitted to the Jail (Table 6–12). By 1973, the level of heroin addiction had declined to 22 percent. The 1973 report also examined the phenomenon of heroin users who were *not* addicted, and found that 13.5 percent of persons in the 1973 sampling were in that category. The study also found that 22 percent of persons admitted to the Jail in 1973 had formerly been addicted to heroin but were no longer using the drug.

4. *Dissension, activism, and disorder.* From the Karrick Committee report, one would have to conclude that, despite overcrowding, District correctional institutions were quiescent during the middle 1950's. The report mentioned dissension, activism and disorder only in passing, as though they were *potential* problems which conceivably might (but were really very unlikely to) occur. The report noted that there had been " . . . no escapes of incarcerated felons for five years and only 11 walk-a-ways of misdemeanants from the Workhouse, as compared to serious disturbances experienced in other prisons in various sections of the country." Regarding the Jail, the report noted that " . . . cramped conditions during peak periods are dangerous, generate unnecessary tension on the part of the inmates, and invite incidents of serious proportions . . . The reason why such incidents have not occurred, is the fact that prisoners are seldom in the Jail for very long at any one time period." The Karrick Committee also commented: "Overcrowding at the Jail is more severe than . . . mere comparison of bed

space and average population would indicate . . . . Narcotics addicts, homosexuals, psychopaths, and known informers must be carefully segregated both for their own protection and for the protection of others."

Ten years later, when the Crime Commission studies were made, the temperament of inmate populations still was apparently relatively stable, but there were some portents of the problems to come. The American Correctional Association, in its report to the Commission, noted:

> The relatively short time most offenders spend in the Jail or Workhouse decreases the possibility of any type of organized control by inmates. The Department's wise policy of serving good food; offering recreational, educational and vocational programs; and continuous training for personnel, has helped to keep the local institution from having major difficulties, even at times when riots, racial disturbances and strikes were in evidence in other institutions throughout the country. . . . Fortune and good management have combined to keep disturbances at a minimum. The double-decking of bunks in the dormitories, extra men in the cells, the almost impossible task of picking out potential homosexuals, psychotics, psychopaths, and agitators among so many admissions with relatively little personal data about the individual, and the relatively few correctional officers available for supervisory duties at any time, *can spell trouble if allowed to go on for a longer period of time.**

The Crime Commission Report itself suggests that the problems were more than potential—they were already above the horizon. The Commission noted that inmate interviews, conducted by lawyers of the Junior Bar Section, indicated "that racial strife is probably a significant factor in the Jail, primarily due to the number of Black Muslims, and that homosexuality does exist but is not a major problem." The Crime Commission also noted that, "should a disturbance assume serious proportions, it would be difficult to muster enough men to control the situation. The immediacy of this problem is reflected in a Department official's observation that resentment toward discipline and work has become more pronounced during the past year."

By 1969, the problems of dissension, activism and disorder among inmates of the Department of Corrections appeared to have reached a crisis stage. A committee appointed by the Mayor to investigate activities at Lorton reported that:

> Most of the inmates sent to the Lorton Complex came from the economically deprived sections of the cities; they are vocal and militant; they are accustomed to stating grievances and they do not respect institutional authority.

Regarding the breakdown in respect for authority, the report quoted a senior captain of the guard force as describing an incident in these words:

> This isn't an isolated instance, an inmate that gets mad and knocks a television off a stand, this is one thing, but when five or six dormitories pick up their televisions and throw them out through the windows and kick doors down and set fires in three separate places, no sir, this isn't normal activity.

Regarding homosexuality among prisoners, the House District Committee reported in 1970:

> The practice of homosexuality and lesbianism is widespread and uncontrolled, and no effort is made to segregate these deviates from other prisoners. . . . Rapes by other prisoners are common place [sic.].

Data on escapes—one of the quantifiable factors in inmate temperament—reflect the trend. The Department of Corrections reported that in 1960 there were two escapes from the male institutions (one from the minimum security facility); in 1967 there were fourteen escapes (two from the minimum security facility) and ninety-one absconds; and during the first nine months of fiscal year 1971 there were seventeen escapes (two from minimum security facility) and 341 absconds. These data contrast with the one escape and eleven absconds reported for a five-year period by the Karrick Committee.

D. Correctional Personnel

The Karrick Committee noted that the Department of Corrections was authorized to employ 610 staff members in 1957, and recommended an increase of seventy positions to improve security, maintenance, and inmate training. The Karrick Committee gave no particular insights on the characteristics of the correctional personnel. (It may be inferred that the Committee's recommendation was approved: authorized correctional personnel positions totaled 693 in fiscal year 1960.)

The American Correctional Association, in its report to the Crime Commission in 1966, was high in its praise of Department of Corrections employees:

> Morale among the employees is excellent, as

* Emphasis supplied.

there is a strong feeling that they are part of an organization dedicated to helping those sent to them for correction and training. Outstanding, too, is the general regard and respect for the contributions of the various administrative, clerical, correctional officer, and professional personnel to the program for inmates.

The association found that, at the time of its study, the Department of Corrections employed more than 980 persons in some 100 separate occupational categories. The study also showed that minimum staffing requirements suggested by the association for professional personnel were not met by the Department, In its general recommendations, the Crime Commission recommended that approximately 100 correctional officers be added to the Department of Corrections in order to remedy deficiencies in institutional security and prisoner supervision. Hopefully some of the new officers would be black:

> The Department of Corrections is concerned that only about 15 percent of its employees are Negro and believes that the racial distribution of the staff should more accurately reflect the racial distribution of the inmate population.

Thereafter, the authorized complement of the Department of Corrections was gradually increased until fiscal year 1970, when there was a sharp increase to more than 1,500 positions. The 1971 complement was 1,519 positions, more than double the authorized strength of 1960.

Changes in morale of the organization are more difficult to quantify. One report on this subject, however, is that of a Commissioners' committee appointed in the aftermath of the "sweep" of the Lorton Complex by correctional guards on November 18, 1968. The committee commented:

> Many of the guards probably did not understand the changes taking place within the Complex and the Department. They felt they were losing control. They fought hard against the effects but probably never understood the causes. Many of the guards were not equipped with the background, education, training, or institutional direction to understand why inmates taunted them; why inmates refused to accept harrassment and indignities; and why inmates were allowed to state their grievances directly to the Director. The Superintendent and his staff failed to recognize or understand the meaning of the hostility between inmates and guards. The Superintendent did not come forward to reduce inmate tensions or alleviate guard resentments. His actions had the effect of undermining the Director and his policies, and encouraging the guards to carry on in the "old tradition."

Further, the House District Committee reported to the Congress that individual correctional officers, the president of the correctional officers' union, and even the Director of Corrections testified to low morale among Department of Corrections employees.

These comments of 1969–70 stand in stark contrast to the report of the Crime Commission issued only two years earlier. Especially interesting is the fact that this apparent identity crisis occurred at a time when incarceration of serious offenders by the Department was at a modern low point.

E. Summary

- There was a sharp decline in overall correctional population from 1965 to 1968, generally attributed to the reduced number of incarcerated drunkenness offenders following the *Easter* decision and the Alcoholic Rehabilitation Act of 1967.
- There was a more gradual but nonetheless significant decline in offenders charged with offenses other than drunkenness. This decline took place from fiscal year 1962 through fiscal year 1968.
- There was a sharp upswing in the number of incarcerated criminal offenders, beginning in the fiscal year 1969 and continuing through the fiscal year 1972. Much of this upswing began *before* the court reorganization which became effective in 1970.
- Problems of correctional programming were compounded in the late 1960's by a dramatic shift in the composition of the inmate population in terms of age, offense, and aggressiveness.
- The apparent negative correlation between inmate population levels and the trends of reported Crime Index offenses suggests that activities of the prosecutor and the courts in 1968 and 1969 may have had greater influence on the subsequent crime decrease than has previously been perceived. Further, the apparent negative correlation between inmate population (excluding drunkenness offenders) and reported Crime Index offenses suggests that the District experience may be a fruitful source of data for studying the potential of deterrence and incapacitation, both as functions of correctional institutions and as affectors of crime rates.

CHAPTER VII. STATISTICAL MEASURES

The "state of the art" forces us to rely, for practical purposes, on two existing measures of crime. The most important is the FBI's Uniform Crime Report, prepared under the aegis of the UCR Committee of the International Association of Chiefs of Police. The UCR has been changing in recent years, with state governments consolidating audited data from local jurisdictions. For most of the period of this study, however, the UCR figures were consolidations of unaudited data submitted voluntarily by local police agencies to the FBI. Nevertheless, the UCR is the only continuous—although somewhat inconsistent—measure of criminality in the District of Columbia over the period of this study.

The second measure is the "victimization survey," which attempts to estimate the incidence of selected kinds of crime from interviews of randomly selected residents. The chief disadvantage, for our purpose, is that victimization surveys have been rarely performed. Only one partial and one complete survey of the District were performed during the period studied.

A. The Crime Index

The so-called Crime Index consists of seven offense categories:

- Murder and non-negligent manslaughter
- Forcible rape
- Robbery
- Aggravated assault
- Burglary
- Larceny-theft
- Motor vehicle theft

These crimes are included in the Index primarily because they are considered to be the offenses most consistently reported to the police, therefore furnishing the most meaningful data. (Despite this assumption, victimization surveys indicate that less than half these crimes are in fact reported to the police.) Other criteria for inclusion are the volume and the inherent seriousness of the crimes.

Excluded from the Index are crimes known to be seldom or irregularly reported to the police. Non-aggravated assaults not involving weapons; white collar crimes of embezzlement and fraud; organized crimes of loansharking, gambling, narcotics trafficking, and fencing; "victimless" crimes such as prostitution, drug use, or drunkenness—these and other categories are excluded because hundreds, perhaps thousands, are presumed to occur for every one reported to the police. Indeed, most reports of these crimes are made *by* the police, after the offense has been noted by observation or investigation and the offender arrested. In the Uniform Crime Reports, such offenses are categorized as "Part II" offenses.

For Crime Index offenses, information is collected and reported in three general categories: 1) offenses reported to the police, 2) offenses cleared (solved), and 3) persons arrested. For most "Part II" offenses, the concepts of "offenses reported" and "offenses cleared" do not apply. Therefore the UCR system provides that information on these crimes is collected only for persons arrested. (Special tabulations are made for non-aggravated assaults and, lately, for special problems such as assaults on police officers.)

Adjustments in the data collection instruments are made almost every year by the UCR Committee, but such changes are made with careful thought for the continuity of the data. To understand the material in this work, only two of the revisions need be mentioned here.

The first affected data for 1958 and thereafter. Prior to that time, UCR offenses were divided into "Part I" and "Part II" classes. Beginning in 1958, the "Part I" category was abandoned and the Crime Index put in its place. When this change was made, several crimes which had been included in the "Part I" class—manslaughter by negligence, nonforcible rape, and larceny-theft of goods under $50 in value—were excluded from the newly constructed Crime Index.

The second major change occurred in 1973. Beginning that January, the Crime Index was expanded to include *all* larceny-theft regardless of value. This modification was made because of the problems encountered in evaluating stolen property and because the reporting of crime on the basis of monetary value permitted inflationary trends to affect crime rates.

B. Crime reporting in the District

Before 1948 the crime reporting system of the Metropolitan Police Department was very loosely structured. Following publicity about the non-reporting of numerous

serious crimes, the system was reorganized that year to comply with uniform Crime Report standards and procedures. The 1948 reorganization has been cited by the department as the benchmark from which trends can be measured; however, there were so many variations in later years that the validity of the benchmark is questionable.

1. *Part II "offenses reported."* Despite the fact that only Crime Index offenses are "reportable," the department in 1950 began to tabulate "offenses reported" for Part II classes as well. This practice continued through fiscal year 1971. It resulted in an extraordinarily high clearance rate for felonies, and the data based on it must be disregarded.

2. *Unfounded offenses.* The department did not tabulate its own monthly and annual statistics in exactly the same manner as those submitted to the UCR. The differences—involving the discounting of crimes declared to be unfounded after the close of the month in which reported—are inconsequential to this study. However, they can cause confusion when Metropolitan Police Department statistics are compared with those of the UCR. This practice continued through fiscal year 1967.

3. *Pursesnatching and pocketpicking.* The Metropolitan Police Department tabulated some offenses according to local statutes rather than by UCR classification. The two notable cases were pursesnatching and pocketpicking; both are classified as "robbery" in the District and were so tabulated by the department in its own statistical reports through fiscal year 1967. However, in most cases, they should be classified as "larceny-theft" among the UCR categories, and were so tabulated in reports to the UCR. Consequently, significant disparity is found between MPD data and UCR data for "Robbery" and "Larceny-theft." In addition, prior to fiscal year 1966, the department divided "larceny-theft" felony and misdemeanor offenses at the $100 level, as provided by local law. Beginning in 1966, the division was made at $50 as provided by the UCR standard.

These variations affected only specific categories, however, not the total for the Crime Index.

4. *Certain reported rapes.* Under a procedure which dated back to the early 1940's, and which somehow escaped being corrected during the 1948 reorganization of the crime reporting system, the police department did not tabulate in its own or in UCR statistics hundreds of forcible rapes reported each year. Most of these were crimes in which the offender and the victim were acquainted and in which physical injury was nonexistent or slight. The police practice was to refer such cases to the U.S. Attorney's office—which, for a variety of reasons, might dissuade the grand jury from an indictment. One presumed reason is that such cases are difficult to prosecute. (It was frequently alleged that U.S. District Court judges pressured the U.S. Attorney not to bring "cheap" rape cases before their courts.) Moreover, there is reason to suspect that racial bias influenced decisions whether or not to prosecute. An increase of 9 percent in white victims contrasts with an increase of *104 percent* in black victims between fiscal years 1970 and 1974, before and after the system was changed.

This deviation from UCR procedures was discovered during an administrative review in 1971. The procedures were immediately changed to insure that all *prima facie* rape cases were tabulated as offenses reported and, where appropriate, the offender arrested without regard to possible prosecution success. This change affected data after 1970.

5. *Reclassifying minor aggravated assaults.* Most aggravated assaults grow out of family or friendship quarrels and many victims make no report to the police except as required by doctors or hospitals. Others make a complaint in the heat of anger, but are unwilling to prosecute when the case comes to court. Cities which rigorously report these offenses—resulting in high per capita rates of aggravated assault—often suspect that other cities are collecting data only on cases pursued through to prosecution.

Such a prosecution-oriented reporting system, was used by the Metropolitan Police Department prior to 1948. As part of the reorganization that year, the department ordered that a report be made for every assault with a dangerous weapon coming to the attention of the police; furthermore, because an aggravated assault is a felony in the District, the department required that the offender, if known, be arrested and presented for prosecution. The result was predictable: the number of reported aggravated assaults increased fivefold.

U.S. Attorney Leo Rover persuaded Chief Robert V. Murray that the reporting system should be brought into closer conformity with prosecutorial reality. The police therefore instituted a policy in April 1955 reclassifying as a simple assault (a Part II offense category) any aggravated assault where the injury was slight *and* there was no prosecution. The practice was discontinued in 1966.

6. *"Miscellaneous Complaint" books.* The 1948 reorganization required that every offense reported to the police be entered on a typewritten report form which was assigned a serial control number for the headquarters records bureau. However, the precinct stations were permitted to maintain "Miscellaneous" books of very minor complaints—barking dogs, children playing baseball in alleys or streets, and similar infractions of municipal ordinances.

From the outset, some precincts used these books for

recording minor crimes such as thefts from parked automobiles, thefts of automobile accessories, and perhaps occasional complaints of pickpockets or pursesnatching. Over time, the recording of crimes on "Miscellaneous Complaint" books was expanded by some precinct commanders to include more serious offenses. Many senior officials knew the system was systematically being abused but didn't care. Their attitude changed abruptly in 1966, when an investigation developed confessions to burglaries which had never been reported to police headquarters. Examination of precinct records showed that many of these offenses had been listed as "complaints"—in some cases with complete descriptions of stolen property—on precinct incidental books.

As a result, the department's Internal Investigations Unit was directed to survey precinct records throughout the city. This audit very likely contributed to the sharp rise in crimes reported beginning in the last half of 1966.

Again, during the summer of 1969, the new Field Inspection Division undertook a comprehensive review of the field reporting system. Among its findings was that police districts continued to maintain "Miscellaneous Complaint" books. As a result, in September, instructions were passed through the command structure to eliminate such books from the department.

7. *Variations in reporting by precinct commanders.* Prior to 1969, the procedures for crime reporting rested primarily on standards enforced by the local precinct captain. A noticible increase or decrease in the level of crime in a precinct often followed a change of command. Some of the more striking of these examples are displayed in Table 7–1. As can be seen, changes in reported levels of crime often were as much as one-third—and sometimes as much as two-thirds—of the total of the previous period. It is likely that both leadership and reporting practices are reflected in various instances, sometimes perhaps simultaneously.

8. *Effects of personnel allocation.* Prior to 1958, patrol officers were distributed on an undefined basis, largely by the intuition of the executive officer. In November 1958, the department instituted a system allocating patrol division personnel among precincts according to weighted workload factors, analogous to those set forth by O. W. Wilson in *Police Administration* (New York, 1950). The workload factors and assigned weight initially used by the Metropolitan Police Department were as follows:

Factor	Weight
Part One Offenses Reported (except petty larceny)	4
Part Two Offenses Reported (plus petty larceny)	2
Arrests (except traffic offenses)	1
Traffic Accidents investigated	1
Radio calls received	3
Population	2
Miles of streets	1
Miscellaneous incidents reported	1
Total	15

Under the new system, a precinct commander who was underreporting crimes was, in effect, depriving his precinct of its proportional share of manpower. As this fact gradually became obvious to precinct commanders, several of them revised their policies to accomplish more complete crime reporting. Table 7–2 displays some of the more striking instances.

City-wide, Part I offenses reported totaled 16,415 in 1958 and rose to 19,081 in 1959—an increase of 2,666 offenses. Table 7–2 shows an increase of 2,325 reported offenses related inferentially to changed manpower distribution procedures: that increase alone accounts for nearly the entire city-wide increase in reported crimes for the year.

Table 7–1

*Inferential Relationship Between Precinct Command Changes and Crime Level Changes Prior to 1966**

Precinct	Command Changed	Comparison of Crime Index Offenses					
		12 months ending	Offenses Reported	12 months ending	Offenses Reported	No.	%
No. 1	Nov. 57	Dec. 57	2311	Dec. 58	1575	−736	−32
	Jan. 63	Feb. 63	2178	Feb. 64	3028	+850	+39
No. 2	May 60	May 60	1810	Mar. 61	2984	+1174	+65
	Apr. 61	Apr. 61	2982	Apr. 62	2409	−573	−19
No. 3	June 65	June 65	2094	June 66	3725	+1631	+78
No. 6	Feb. 63	Mar. 63	1534	Mar. 64	1024	−510	−33
No. 8	May 63	May 63	877	May 64	1128	+251	+29
No. 9	May 60	May 60	2973	May 61	1869	−1104	−37
No. 11	July 63	July 63	1491	July 64	2575	+1084	+75

* Major city-wide increases and decreases of crime after 1965 make these kinds of inferences impracticable.

Table 7–2

Precinct Crime Level Changes Inferentially Related to Allocation of Manpower by Workload Distribution

Precinct	Part I Offenses Reported				Change	
	12 months ending	Offenses Reported	12 months ending	Offenses Reported	No.	%
No. 3	Apr. 59	1049	Apr. 60	1489	+440	+42
No. 5	Jan. 59	1277	Jan. 60	1622	+345	+27
No. 8	July 59	707	July 60	1017	+310	+44
No. 12	Dec. 58	1061	Dec. 59	1535	+474	+45
No. 13	Dec. 58	1405	Dec. 59	2161	+756	+54
TOTAL		5499		7824	+2325	+42

9. *Changes in reporting technology*. In 1948 the Metropolitan Police Department adopted a system of typewritten reports which at the time was the only feasible way of obtaining multiple copies. Because few officers could type efficiently, the system was modified in most precincts so that the officer could enter the details of an incident in longhand in a record kept at the station house, and the actual report would be typed up later by a clerk. (Incidentally, the requirement for typewritten reports led to a belief which persisted for at least two decades—that the ability to type was a highly desirable attainment for police officers.)

Later, police agencies began to experiment with new approaches to report processing. The St. Louis Police Department devised a system of offset reproduction of handwritten reports, and this system was adopted by the Washington police in a series of procedural changes which took place from 1964 through 1968. The transition to handwritten reports can be presumed to have increased somewhat the reporting of minor crimes—first, by making it possible for the officer to complete his report without going to the station; second, by making it easier for station personnel to send on reports which they might previously have set aside as "complaints."

The final technological change in the department's crime reporting system was recommended by the International Association of Chiefs of Police, following a management survey. The new system called for officers to complete their reports in the field and have them picked up by their sergeants, so that the patrol officers would not be required to pursue any of the administrative tasks of crime reporting. This "field reporting" system was installed during fiscal year 1969.

It should be noted that one recommendation by the IACP has never been instituted. This was the proposal that, for audit purposes, *every* complaint received by the police—regardless of how trivial or unrelated to crime—should be reported to headquarters on a serially numbered form. The proposal was rejected by the department on the basis that the paperwork would outweigh its value as a tool for audit.)

C. Tables of Crime and Arrest Data

Despite their faults, police crime statistics are the only available continuing indicators of crime levels in the city over the period of this study. On balance, the data are probably valid for judging major trends in crime, but must be examined critically when it comes to less spectacular changes. With that caveat, the following tables are presented.

Table 7–3 recapitulates Crime Index offenses as reported by the Metropolitan Police Department to the UCR for the calendar years 1955 through 1975. Except for the reclassification of aggravated assaults during the years 1956 through 1965, and the underreporting of forcible rapes prior to 1971, these data are supposed to be reflections of the standard UCR classifications. The data are affected, however, by the various processes of underreporting described above.

Table 7–4 recapitulates Crime Index offenses tabulated by the Metropolitan Police Department in its annual reports for 1956 through 1975. These data (and most of the remaining data in this chapter) are reported on the basis of fiscal years ending June 30. As indicated earlier, until 1966 the police department in its own reports which are reflected in Table 7–4, classified pursesnatching and pocketpicking as "robbery," according to the local statute, rather than as "larceny-theft" as prescribed by UCR.

Table 7–5 recapitulates offenses by precinct (later by patrol district). As indicated earlier, examination will show numerous changes in precinct data, especially prior to 1966, which can be inferentially related to changes in precinct commanders or to personnel distribution policies.

Changes in levels of reported crime within specific precincts can also be related to economic or sociological changes. For example, the sharp reduction in Fourth Precinct reported crime from 1956 through 1962, with a subsequent upswing, obviously was a result of urban renewal activity which virtually leveled and then rebuilt most of the housing of that area. Similar, more subtle

Table 7–3

Offenses Reported in the District of Columbia (Uniformed Crime Reports Data) Calendar Years 1955 through 1975

Calendar Year	TOTAL	Murder and Non-negligent Manslaughter	Manslaughter By Negligence	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny-theft $50 & over	Larceny-theft Under $50	Auto Theft
1955	18163	53	30	100*	784	3441	3649	1708	6676	1722
1956	16479	65	23	100*	709	2621	3216	1772	6318	1655
1957	16269	78	23	100*	718	2708	3058	1849	5977	1758
1958	16415	79	23	65	709	2535	3642	1683	5780	1899
1959	19081	74	22	87	693	2856	4189	1930	7272	1958
1960	20749	81	24	111	1072	2966	4587	2314	7591	2003
1961	21602	88	18	100	1348	2955	4902	2464	7268	2459
1962	22234	91	26	82	1572	3005	5022	2666	7189	2581
1963	25613	95	29	87	1707	2851	6984	3140	7255	3465
1964	30357	132	23	96	2279	2605	8910	3518	7402	5392
1965	33904	148	19	140	2881	2635	9886	4153	8423	5619
1966	39952	141	15	134	3703	3177	10498	5261	10458	6565
1967	53916	178	30	172	5759	3143	14702	7124	14301	8507
1968	63679	195	26	260	8622	3103	17950	7876	14293	11354
1969	82659	287	28	336	12366	3609	22933	11508	20402	11190
1970	82542	221	7	313*	11816	4089	22348	9414	23224	11110
1971	70516	275	--	615	11222	3972	18818	7622	19260	8732
1972	52636	245	21	714	7751	3897	12801	6217	15169	5821
1973	51077	268	36	596	7171	3591	11801	7880	15021	4713
1974	54678	279	37	561	7936	2811	14126	11271	13733	3924
1975	55192	235	34	521	9137	2812	13164	12746	13146	3397

* Forcible rape data for 1955–57 are estimated; rape reporting procedures changed in 1970.

Table 7–4

Offenses Reported in the District of Columbia (MPDC Annual Report Data) Fiscal Years 1956 through 1975 By Crime Classification

Fiscal Year	TOTAL	Murder and Non-negligent Manslaughter	Manslaughter By Negligence	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny-theft $50/$100 and over	Larceny-theft Under $50/$100	Auto Theft
1956	17610	61	24	219	1069	2824	3407	787	7392	1827
1957	15554	68	20	199	937	2545	3007	783	6270	1725
1958	17047	81	16	160	1076	2791	3374	786	6996	1767
1959	17515	70	30	158	1033	2505	3823	711	7167	2018
1960	19929	78	19	154	1298	3067	4409	915	8036	1953
1961	21802	89	15	147	1863	2900	4922	1029	8654	2183
1962	21534	93	13	129	2012	2956	4701	1056	8078	2496
1963	23194	82	18	142	2436	2998	5789	1162	7793	2774
1964	28469	109	28	162	2633	2754	8209	1458	8510	4606
1965	32053	163	14	159	3945	2474	9309	1621	8632	5736
1966	34765	157	14	196	3797*	2823	9221	1901	11361	5295
1967	46792	158	17	187	6394	3257	12709	2301	14146	7623
1968	57997	179	28	187	6588	3136	16470	7245	14334	9830
1969	71237	233	30	335	10236	3341	19225	9711	16900	11226
1970	89434	280	17	323*	13240	3922	24858	11947	22671	12176
1971	75751	226	2*	421	11589	4070	19932	7912	21660	9939
1972	62070	266	78	608	9607	3902	16102	6881	17307	7319
1973	49046	269	31	712	6982	3670	11389	6204	14701	5088
1974	52543	247	35	556	7435	3329	12748	9490	14098	4605
1975	56923	273	35	546	8846	2784	14321	12607	13938	3573

* Data affected by error or by significant changes in reporting procedures.

Table 7–5

Offenses Reported in the District of Columbia (MPDC Annual Report Data)
Fiscal Years 1956 through 1975 By Precinct or District

Fiscal Year	TOTAL	No. 1	No. 2	No. 3	No. 4	No. 5	No. 6	No. 7	No. 8	No. 9	No. 10	No. 11	No. 12	No. 13	No. 14	HP**
1956	17610	2402	2314	1278	1107	973	521	496	872	2288	1448	695	795	1425	970	26
1957	15554	2099	1998	1049	823	944	609	498	628	1751	1370	860	933	1155	816	21
1958	17047	2129	1982	1067	902	1288	703	464	804	1789	1506	1080	1045	1345	916	27
1959	17515	1403	1366	1122	742	1400	1011	479	700	2369	1673	1112	1307	1726	1087	18
1960	19929	1592	1866	1447	693	1541	1239	547	955	2881	1790	920	1382	2183	878	15
1961	21802	2351	2921	1739	473	1397	1315	573	971	1803	2284	1041	1441	2482	993	18
1962	21534	2359	2329	1766	396	1370	1305	498	785	1972	2720	1224	1383	2486	916	25
1963	23194	2388	2669	1745	478	1668	1332	529	857	2126	3098	1390	1446	2440	1022	6
1964	28469	2892	2762	1948	626	2113	1164	634	1103	2705	3506	2485	1757	3379	1389	6
1965	32053	3008	3136	2073	609	2430	1633	720	1086	3309	3691	2912	1957	3802	1679	18
1966	34765	3036	3462	3696	663	2204	1818	854	1224	4074	3510	2975	1847	3611	1776	15
1967	46792	4160	4654	4975	983	2803	2333	983	1573	4798	5002	4787	2437	4397	2907	10
1968	57997	4755*	5877	5351	1205*	2899	2577	1308	2201	6299	6332	6465	2823	5275	4604	26
1969	71237	8894	6439	6987		4154	2976*	1859	2139	7062	6822	7295	3841	7756	4988	25
1970	89434	19897	11035	15337	11774	14038	17353									
1971	75751	15343	8871	11726	11363	12557	15891									
1972	62070	11757	9522	10853	8628	9432	5452	6426								
1973	49046	9064	7600	9091	6450	7516	3964	5361								
1974	52543	11026	7993	9203	6122	8371	3966	5862								
1975	56923	11967	8790	9469	7190	8842	4200	6465								

* First and Fourth Precincts consolidated in August 1968;
Precincts consolidated into Six Districts in Fiscal Year 1970;
Sixth District divided into Sixth and Seventh Districts in Fiscal Year 1972.
** Harbor Precinct

changes in crime patterns in other precincts can be traced by knowledgeable observers of the local scene.

Table 7–6 provides tabulations of "charges" for Crime Index offenses reported by the Metropolitan Police Department for 1956 through 1975.

Table 7–7 is a tabulation of data of "charges" made by the department for non-Index crimes for the period. The data, like those of Table 7–6, show the number of "charges" rather than the number of persons arrested; however, in general, these are reasonably valid reflections of police activity in the areas indicated.

Finally, for the convenience of those interested in the traffic-control aspects of the criminal justice process, Table 7–8 tabulates charges, including traffic violations for which an arrest was made or collateral posted, for 1956 through 1975.

One other kind of data of interest to the criminal justice system relates to offenses "cleared" or solved. Offense data may be questionable, arrest data may be unreliable, but clearance data are virtually worthless. Consequently, this study takes no account of clearance as a useful indicator of crime levels, police activity, or police effectiveness. Purely for convenience of the reader who may be interested, Table 7–9 displays, for the years covered by this study, the reported clearances "By Arrest" and "By Other Means" reported by the department for total Crime Index offenses.

Despite the unreliability of clearance data as a specific measure, the indicated substantial drop in the percentage of clearances from 1958 through 1970 no doubt correctly reflect the trend, if not the details. Looking at the graphs of arrest data, one can see that what happened was not that arrests (and clearances) dropped off sharply, but that reported offenses increased sharply, so that major variations occurred in the *proportion* of reported offenses declared cleared.

D. Graphs for Crime Index Categories

Following are graphs which portray, for Crime Index offenses, the number of offenses reported and the number of arrests (charges) reported by the Metropolitan Police Department over the period studied. I have warned the reader that all these data must be reviewed with caution. Generally, however, except as indicated hereafter, these graphic portrayals probably communicate a *reasonable perspective* of what was occurring in this city in terms of major crimes.

It will be noted that in some years, the number of arrests (charges) for murder, forcible rape, and aggravated assault exceeds the number of reported offenses.

Table 7–6

Arrests (Charges) Reported in the District of Columbia (MPDC Annual Report Data)
Fiscal Years 1956 through 1975 Crime Index Offenses

Fiscal Year	Total	Murder and Non-negligent Manslaughter	Manslaughter by Negligence	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny-theft $50/$100 and over	Larceny-theft Under $50/$100	Auto Theft
1956	10127	67	27	196	847	2297	2528	494	2620	1051
1957	9154	71	22	184	777	2238	2105	552	2426	779
1958	10054	70	17	148	1085	2441	2196	544	2856	697
1959	10204	68	29	167	937	2304	2348	440	2984	927
1960	10277	96	20	180	1196	2566	1932	509	3114	664
1961	11238	86	22	173	1439	2625	2653	457	3090	693
1962	10672	95	24	182	1498	2386	2156	454	3025	852
1963	10757	100	20	169	1641	2575	2007	432	2861	952
1964	11604	120	31	213	1512	2338	2469	513	3112	1296
1965	11347	189	23	212	1797	2637	1999	450	3086	954
1966	13062	172	17	183	1863	2811	2553	646	3437	1380
1967	13418	172	18	210	2364	2824	2412	522	3624	1272
1968	14709	188	36	125	2042	2487	4512	536	3335	1448
1969	13827	193	37	144	2496	2738	3118	593	3231	1277
1970	14571	250	30	132	2828	2842	3382	473	3497	1137
1971	14632	222	15	215	3183	3063	2715	662	3330	1227
1972	14261	273	82	462	2840	3102	2705	739	2837	1221
1973	15525	284	31	552	2997	3928	2573	888	3074	1198
1974	18401	352	12	419	3819	3957	4000		4698*	1144
1975	17453	412	35	337	3695	2958	4059		5044*	933

* Includes all larceny-theft

Table 7–7

Arrests (Charges) Reported in the District of Columbia (MPDC Annual Report Data)
Fiscal Years 1956 through 1975 Non-Crime Index Offenses (Except Traffic)

Fiscal Year	TOTAL	Non-Aggravated Assaults	Forgery, Counterfeiting, Embezzlement, Fraud	Stolen Property	Weapons Offenses	Prostitution	Other Sex Offenses	Narcotic Drug Law Violations	Gambling Violations	Liquor Law Violations	Drunkenness	Disorderly Conduct	Vagrancy	All other offenses	Fugitives	Suspicion
1956	83617	2306	1640	71	564	267	452	1137	1158	1683	39506	15593	229	7905	546	8180
1957	89895	2722	1294	117	545	275	924	1077	1502	1435	43829	18879	362	8353	519	7562
1958	86618	2572	1162	92	637	392	834	936	1661	853	41124	19793	381	8655	454	7072
1959	90622	2222	1479	100	745	431	971	927	1669	1157	42898	21200	553	9074	520	6676
1960	84733	2146	1267	50	763	230	730	852	1222	1193	40400	19638	513	8841	451	6437
1961	81271	1752	989	76	688	178	676	517	865	1502	40861	18389	559	8244	451	5524
1962	84013	1676	926	91	963	165	635	536	1106	1497	46097	17552	491	8648	454	3176
1963	88083	2302	962	105	1077	211	594	1018	1047	1911	47950	19040	810	8824	529	1703
1964	84254	2633	841	150	1490	243	703	907	1132	1838	44206	18619	658	8992	1842	- - -
1965	88821	2227	953	212	1735	147	343	849	1357	2140	47463	21028	734	8257	1376	- - -
1966	86991	2205	854	203	1784	226	458	902	1491	1964	44792	20446	892	9197	1577	- - -
1967	70605	2038	962	325	2010	174	374	910	1122	1928	37459	13526	706	7687	1384	- - -
1968	55659	1500	797	513	1796	242	388	1175	814	1034	26630	13917	361	5335	1157	- - -
1969	19779	1507	985	654	2024	587	363	1439	706	1026	2250	3988	144	3628	478	- - -
1970	23067	1598	982	949	2466	1120	356	2426	1309	1153	1684	3628	117	4614	665	- - -
1971	44854	1745	936	1048	3345	1066	514	4708	2124	852	14	16703	135	10472	1192	- - -
1972	35964	1751	1199	942	3864	850	514	4294	2392	1182	12	8816	13	8183	1952	- - -
1973	32793	1902	1176	1015	4044	1073	725	4693	1788	594	2	7593	4	6044	2140	- - -
1974	31761	1545	1637	1092	3546	1137	576	4177	1625	317	2	7702	- -	5546	2859	- - -
1975	33425	1632	1699	1566	3574	1556	431	4826	1568	189	6	7278	20	5578	3502	- - -

Table 7–8

Arrests (Charges) Reported in the District of Columbia (MPDC Annual Report Data)
Fiscal Years 1956 through 1975 All Offenses

Fiscal Year	Total Charges	Crime Index Charges	Non-Index Charges	TRAFFIC CHARGES			
				Total	Driving While Intoxicated	Other Moving Violations	Parking Violations
1956	393860	10127	81637	302096	402	81831	219863
1957	420924	9154	89895	321875	351	95116	226408
1958	397973	10054	86618	301301	413	86638	214250
1959	436409	10204	90622	335583	337	91944	243302
1960	433672	10277	84733	338662	373	106499	231790
1961	415925	11238	81271	323416	362	108309	214745
1962	434963	10672	84013	340278	497	105048	234733
1963	496678	10757	88083	397838	513	104289	293036
1964	512484	11604	84254	416626	376	102235	314015
1965	580660	11347	88821	480492	424	113303	366765
1966	546802	13062	86991	446749	256	112851	333642
1967	555340	13418	70605	471317	407	99052	371858
1968	576032	14709	55659	505664	364	100299	405001
1969	613235	13827	19779	579629	269	102351	477009
1970	668518	14571	23067	630880	48	102805	528027
1971	772661	14632	44854	713175	503	111363	601309
1972	1377893	14261	35964	1327668	878	219264	1107526
1973	1312625	15525	32793	1264307	991	243986	1019330
1974	1523289	18401	31761	1473127	908	167953	1304266
1975	1477507	17453	33425	1426629	1302	113893	1311434

Table 7–9

Offenses, Clearances, Arrests Crime Index Offenses—Fiscal Years 1956 through 1975

Fiscal Year	Index Offenses	Percent Cleared	Number Cleared			Index Arrests
			Total	By Arrest	Other means	
1956	17610	50.2	8835	7869	966	10127
1957	15554	49.5	7697	6510	1187	9154
1958	17047	51.0	8697	7346	1351	10054
1959	17515	49.6	9195	--	--	10204
1960	19929	48.3	9623	7862	1761	10277
1961	21802	44.7	9724	8160	1564	11238
1962	21534	43.3	9320	7738	1582	10672
1963	23194	40.9	9581	7710	1871	10757
1964	28469	38.1	10850	7857	2993	11604
1965	32053	34.1	10937	7144	3793	11347
1966	34765	26.3	9159	5883	3276	13062
1967	46792	19.4	9100	8188	912	13418
1968	57997	24.4	14124	13532	592	14709
1969	71237	17.1	12166	11742	424	13827
1970	89434	13.2	11799	9757	2042	14571
1971	75751	19.4	14657	11964	2733	14632
1972	62070	19.5	12075	11076	999	14261
1973	49046	22.5	11045	9741	1304	15525
1974	52543	22.2	11660	10389	1271	18401
1975	56888	22.4	12769	10943	1826	17453

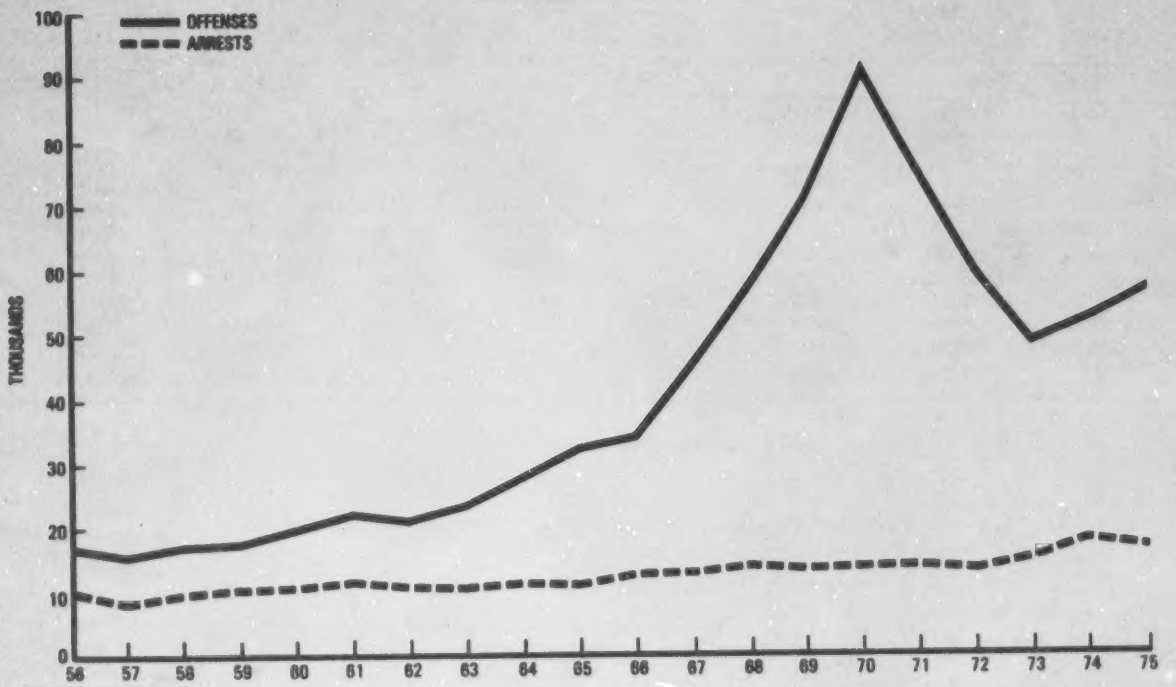
Sometimes several offenders are charged for the same offense; sometimes an offender is charged in a different reporting period from that of the offense; and sometimes the arrest data may be erroneous.

Graph 7-10

OFFENSES AND ARRESTS

TOTAL CRIME INDEX OFFENSES

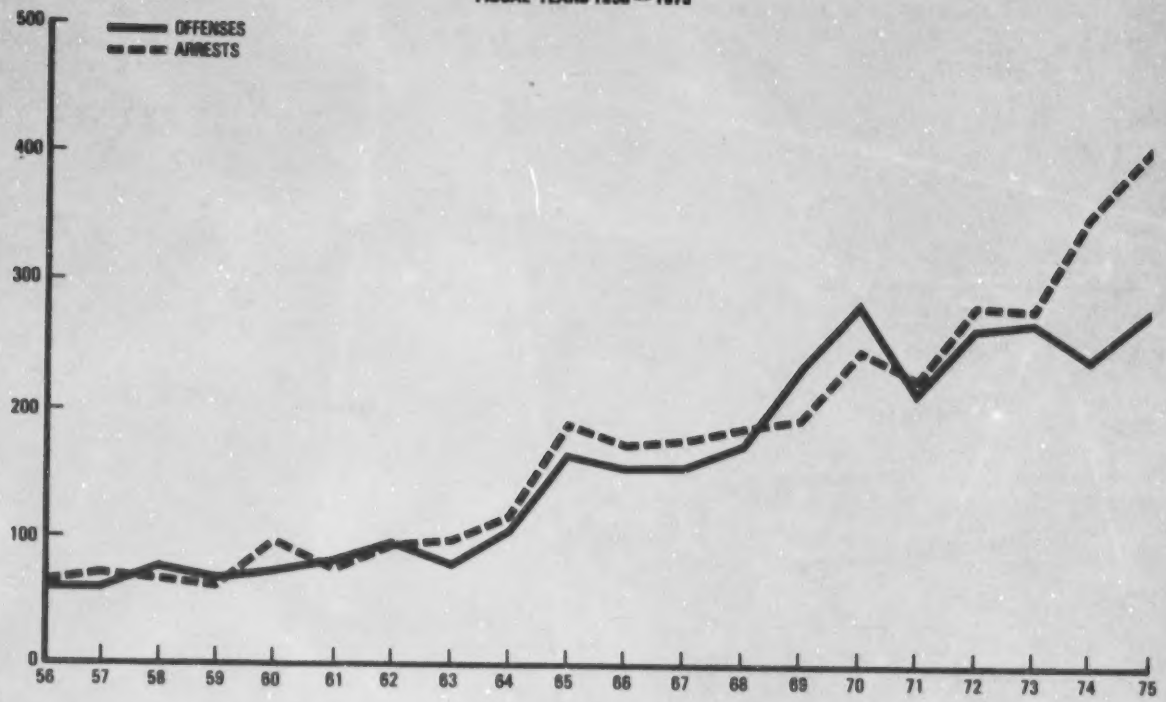
FISCAL YEARS 1956 — 1975



Graph 7-11

OFFENSES AND ARRESTS

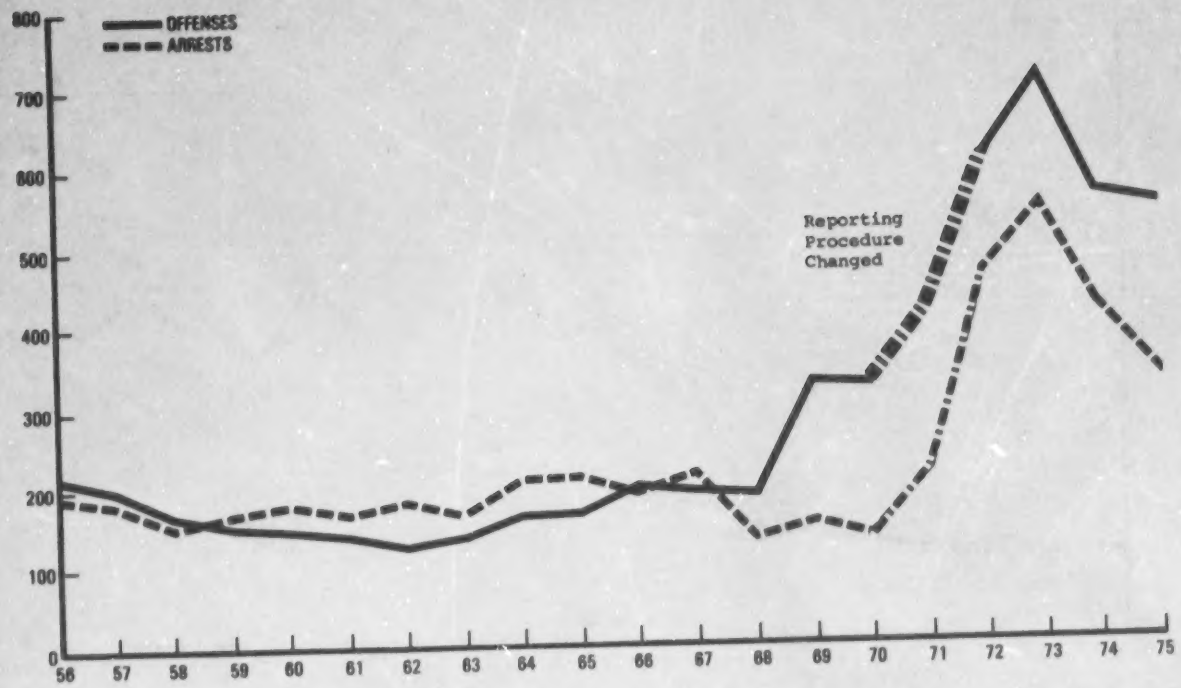
MURDER AND NON-NEGLIGENT MANSLAUGHTER
FISCAL YEARS 1956 — 1975



Graph 7-12

OFFENSES AND ARRESTS

FORCIBLE RAPE
FISCAL YEARS 1956 — 1975

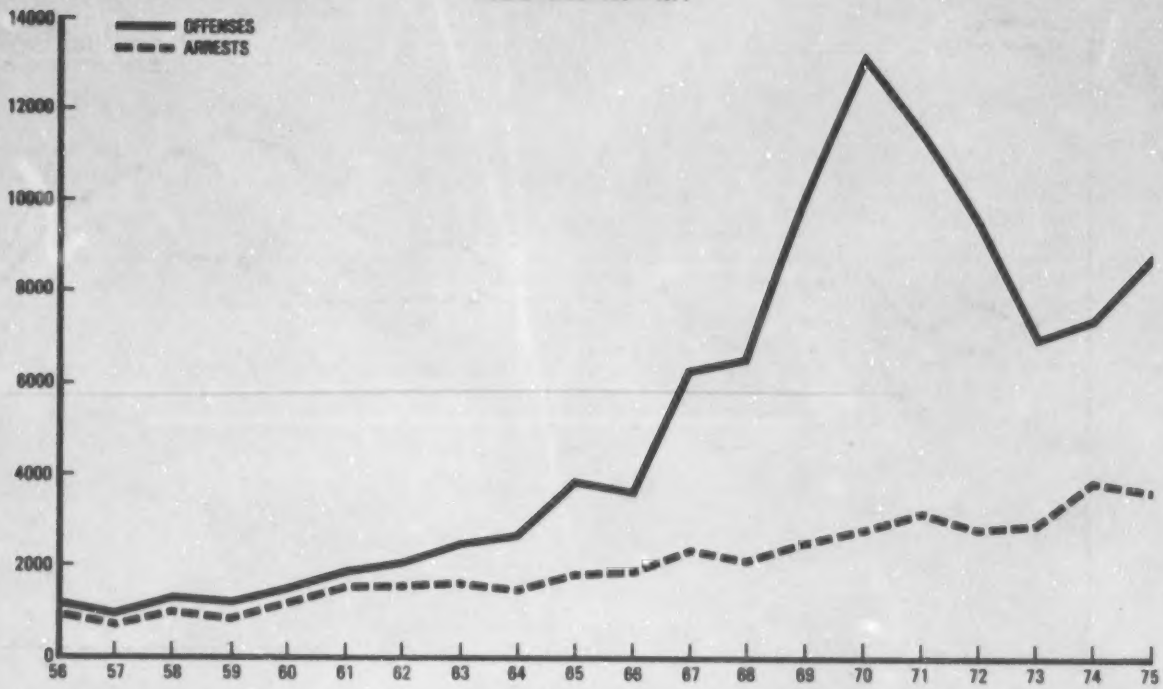


Graph 7-13

OFFENSES AND ARRESTS

ROBBERY

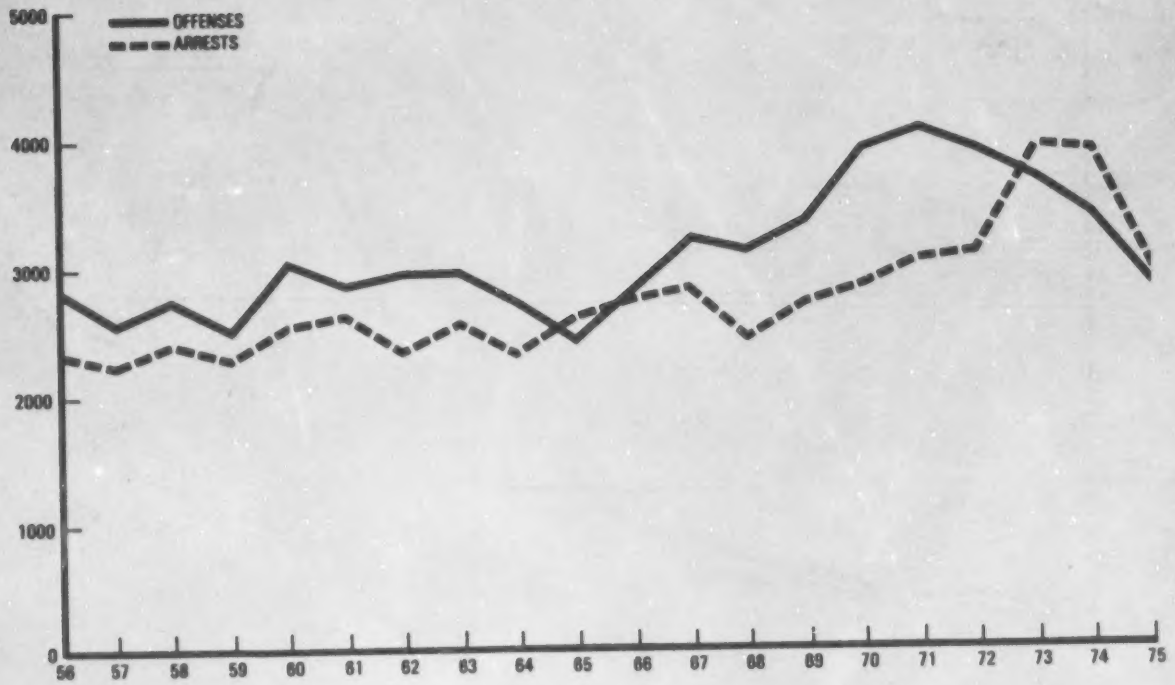
FISCAL YEARS 1956 — 1975



Graph 7-14

OFFENSES AND ARRESTS

AGGRAVATED ASSAULT
FISCAL YEARS 1956 — 1975

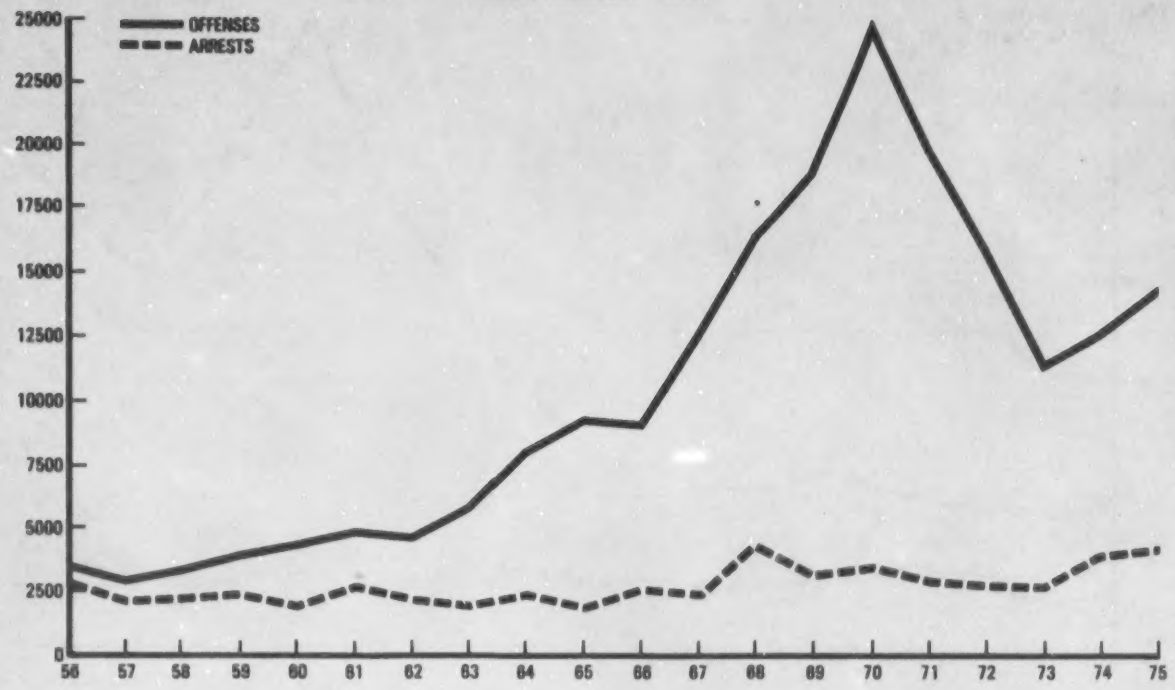


Graph 7-15

OFFENSES AND ARRESTS

BURGLARY

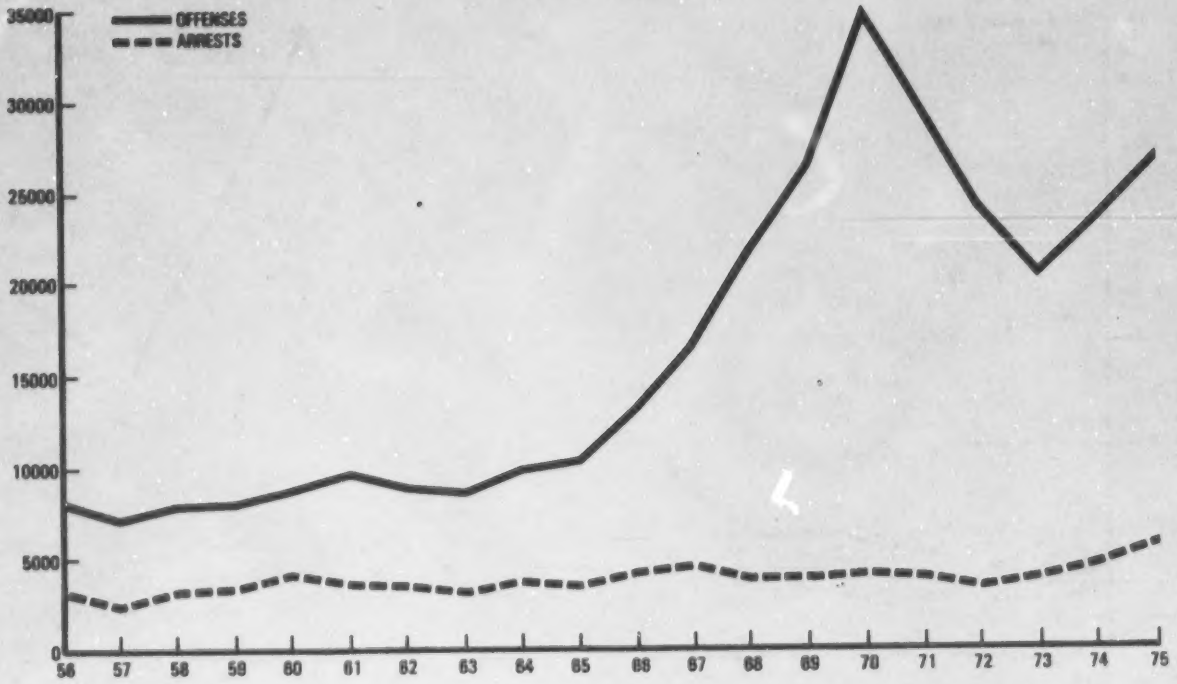
FISCAL YEARS 1956 — 1975



Graph 7-16

OFFENSES AND ARRESTS

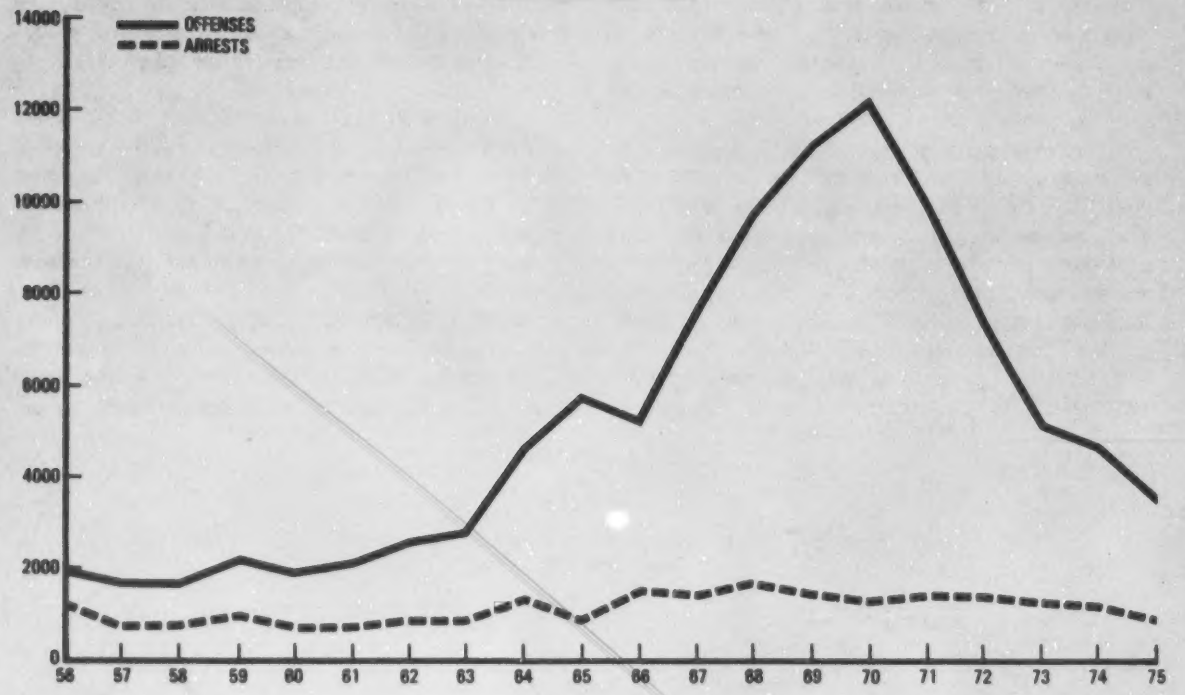
LARCENY AND THEFT
FISCAL YEARS 1956 — 1975



Graph 7-17

OFFENSES AND ARRESTS

AUTO THEFT
FISCAL YEARS 1956 — 1975



E. Graphs for Non-Index Categories

The primary data for non-Index crimes are arrest statistics, which more often reflect the level of police activity than the extent of the crime problem. However, arrest statistics for some non-Index categories, if carefully interpreted, can furnish insight into levels of crime, as well as law enforcement activity. For example, the drastic increase in arrests for weapons offenses more likely reflects an increase in the number of such weapons illegally carried by citizens than a police decision to make more arrests for that crime. Conversely, the reduced level of arrests for liquor-law violations almost certainly reflects a de-emphasis by the police, rather than a decline in the number of such violations.

1. *Stolen property offenses* (Graph 7–18). Arrests for this category seem to follow the over-all trend of reported Index crimes, except for the surge in 1973–75. This upswing reflects the emphasis which the police department in those years was placing on discovering and arresting "fences," both as a part of over-all criminal investigations and as a specific activity of the organized crime section of the Intelligence Division.

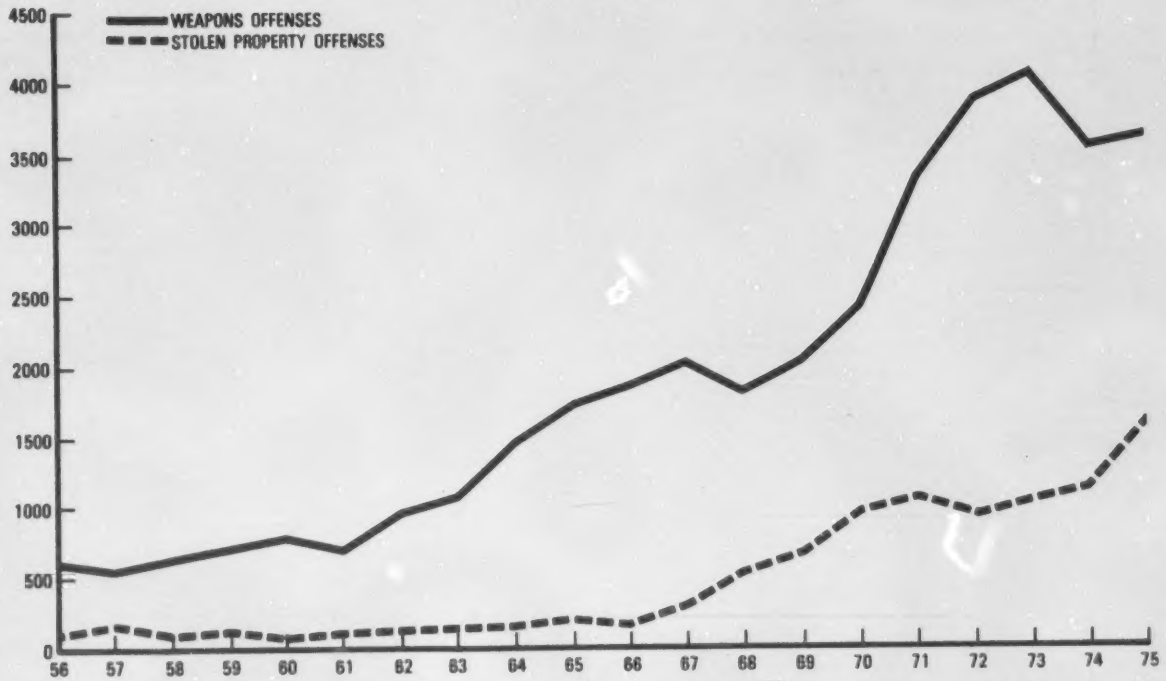
2. *Weapons offenses* (Graph 7–18). Except for 1961, 1968, and 1973–75, the trend of arrests for weapons offenses has been sharply upward since 1957. It is noteworthy that arrests in this category peaked in 1973—three years after the peak of reported Crime Index offenses. One possible explanation is that the level of weapons offenses, as reflected by arrests, is affected by weapons illegally carried by otherwise "law-abiding citizens," reflecting their fear of crime. Such a conclusion is not supported by any statistical evidence, but might be drawn from the frequent responses of the prosecutors and courts, to complaints from the police about inadequate penalties in weapons offenses, that a very high proportion of such arrestees are more law abiding than criminal.

3. *Prostitution and vagrancy* (Graph 7–19). These categories of arrest are particularly sensitive to police arrest policies, creating potential trend lines that reflect police activity more than offender activity. Prostitution and vagrancy arrests are therefore presented on the same graph. In the past, many of those arrested for vagrancy were prostitutes who sought to avoid a charge of "soliciting prostitution" by dressing in a manner calculated to entice the customer. This ploy made it very difficult for the police undercover officer to develop a "soliciting prostitution" case without risking a counter-charge of en-

Graph 7-18

ARRESTS

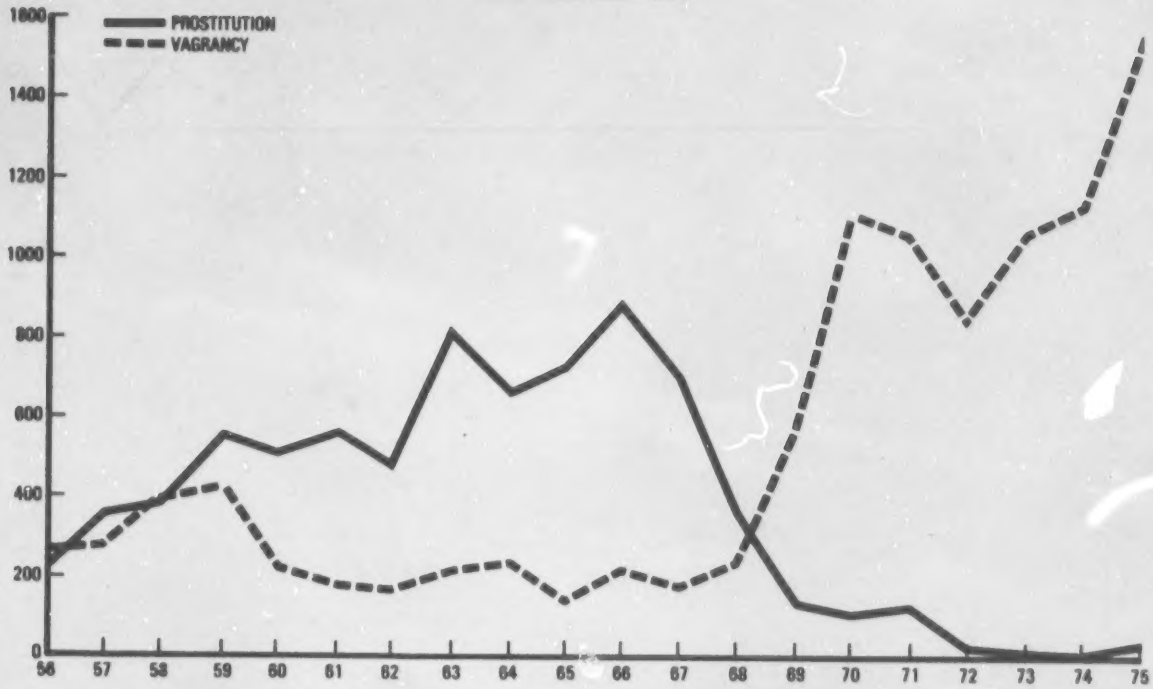
STOLEN PROPERTY AND WEAPONS OFFENSES
FISCAL YEARS 1956 — 1975



Graph 7-19

ARRESTS

PROSTITUTION AND VAGRANCY
FISCAL YEARS 1956 — 1975



trapment. In response, the police resorted to filing charges under the vagrancy statute. Substantial portions of those statutes were declared unconstitutional by the Circuit Court in December 1968 and charges for vagrancy thereafter diminished and from 1972 onward are virtually non-existent.

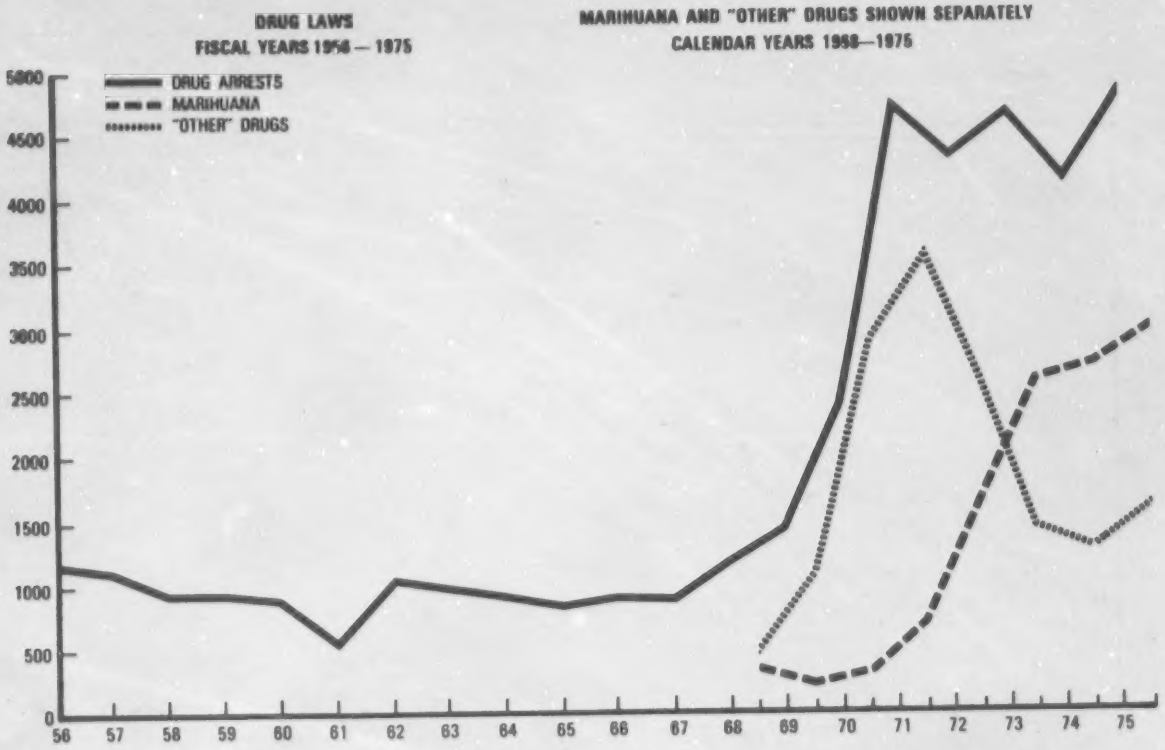
Loss of the vagrancy statute forced more extensive use of statutes specifically prohibiting solicitation of prostitution, and shifted enforcement efforts from uniformed officers, who had been making arrests under vagrancy procedures, to undercover officers, who sought to make arrests on statutes such as soliciting prostitution. (Additionally, in 1969 the police department began using policewomen, posing as prostitutes, to arrest male customers who solicited *them*.) Hence there was a sharp upswing in prostitution charges following the sharp downswing in vagrancy charges. The increased arrests for prostitution also reflect a perceptible (but unmeasureable) increase in the number of prostitutes in the city of Washington, beginning about 1968, which resulted in efforts by the department to increase enforcement activity against prostitutes.

4. *Violations of drug laws* (Graph 7–20). The main trend line reflects arrests for violations of drug laws in general. Also included are graph lines to show the distribution of "other" drug arrests, as contrasted with marihuana-related arrests, for calendar years 1969 through 1974. (These latter data are not available prior to 1969). Like the graph for prostitution arrests, Graph 7–20 demonstrates the effects of both changed drug arrest enforcement policies *and* changed criminal activity. A clearly defined upswing in illegal use of drugs occurred in the District beginning about 1967. Increased drug traffic itself is the reason for some of the arrests in fiscal years 1968 and 1969, but others reflect increased police response to the increased problem. For example, Police Chief John B. Layton testified before the Senate Committee on the District of Columbia on April 9, 1969, that the narcotics section of the police department had been increased by one-half (from 10 men to 15 men) in May 1968.

A similar combination of factors resulted in further increases in arrests in fiscal years 1970 and 1971. During the summer and fall of 1969, the police department quadrupled the size of the headquarters narcotics section. Previously, field personnel making a drug arrest had to enlist a member of the narcotics squad for processing the arrestee and the evidence; this procedure was eliminated

Graph 7-20

ARRESTS



in 1969, by which time it had become an unwieldly constraint on field personnel as drug traffic grew to epidemic proportions. In addition, in cooperation with the Federal Bureau of Narcotics and Dangerous Drugs, the department began to train field personnel to recognize drugs and to understand drug-traffic systems and techniques; eventually, more than 2,000 patrol officers of the department had attended three-day training programs conducted by the BNDD. The new policy of the department was to encourage field personnel to arrest street-level drug traffickers, while the quadrupled headquarters narcotics section was expected to work on development of cases against major dealers. The effects of those changes are clearly evident in the arrest data for fiscal year 1970 and thereafter.

The fact that arrest statistics can also reflect offense levels is demonstrated by the distribution of arrests between "other" drug offenses and marihuana-related offenses for the calendar years 1969–1974. One might interpret the graph line for total drug arrests as demonstrating that drug activity reached a peak in 1971 and continued at a high level thereafter. But the "other" versus marihuana graph lines demonstrate that arrests for "other" drugs peaked in 1971 and dropped sharply thereafter, while there was a substantial increase in marihuana arrests (Table 7–21).

Noting the sharp increase in marihuana arrests in 1973, the police department was concerned that, as heroin traffic had diminished, narcotics investigators had merely followed Parkinson's Law and shifted their efforts to ferreting out marihuana. Analysis of drug arrests, however, revealed that the majority of the additional arrests were not developed by investigations. Instead they resulted from an apparently substantial increase in presence of marihuana in the community—and a consequent increase in the number of arrests stemming from observations of open violators or searches following arrests on other charges (Table 7–22).

5. *Gambling and liquor law offenses* (Graph 7–23). Both these categories of arrests tend to reflect police enforcement policies rather than the presence or absence of violations in the community. Because these offenses produced neither the social consequences of the drug traffic nor the citizen complaints of prostitution, police efforts were generally aimed at the more flagrant violators in the period of this study. Clearly perceptible in these graphs is diminished police enforcement during the peak crime years of 1968, 1969 and 1970, with some

Table 7–21

Arrests (Charges) by Metropolitan Police Department—Drug Offenses

	CALENDAR YEAR							
	1968	1969	1970	1971	1972	1973	1974	1975
Marihuana Related Offenses:								
Marihuana Tax Act	215	132	63	49	---	---	---	---
Controlled Substance Act								
Distribution	---	---	---	17	49	152	77	23
Possession w/intent to distribute	---	---	---	40	49	70	65	12
Possession	---	---	---		12	60	85	147
Uniform Narcotics Act	128	96	203	588	1557	2271	2451	2820
Sub-total	343	228	266	694	1667	2553	2678	3002
"Other" Drug Related Offenses:								
Harrison Narcotics Act	303	618	1795	850	---	---	---	---
Controlled Substance Act	---	---	---	1153	1458	1046	981	677
Uniform Narcotics Act	105	340	793	1111	650	220	251	361
Drug Abuse Control Act	13	32	107	58	---	---	---	---
Dangerous Drug Act	58	56	225	402	437	187	95	515
Sub-total	479	1046	2920	3574	2545	1453	1327	1553
Drug Related Offenses:								
Sub-total*	255	471	1543	1993	1092	471	473	804
TOTAL	1077	1745	4729	6261	5304	4477	4478	5359

* Includes possession of implements of crime, presence in illegal establishment, uttering forged prescription, and conspiracy.

Table 7–22

Marihuana Related Arrests Analysis by Circumstances—Calendar Years 1970–74

	Percent of simple possession marihuana arrests				
ARREST CIRCUMSTANCES	1970	1971	1972	1973	1974
1. Marihuana investigation	15.0	5.0	6.4	4.4	6.0
2. Narcotics and drug investigation	22.5	20.0	5.5	6.4	12.0
3. Arrests for other criminal offenses	27.5	31.3	29.0	39.0	16.0
4. Arrests for traffic offenses	17.5	18.7	17.2	7.2	16.0
5. Spontaneous marihuana arrest	17.5	25.0	41.9	43.0	50.0
TOTAL simple possession cases	203	588	1557	2331	2536
TOTAL all marihuana cases	266	694	1667	2553	2678
Simple possession as percent of all cases	76.3	84.7	93.4	91.3	95.0

Definition of Circumstances:

Category 1 reflects cases where an active investigation of marihuana traffic led to the arrest.

Category 2 reflects cases where an active investigation of narcotics or dangerous drugs other than marihuana resulted in an arrest of someone for simple marihuana possession during execution of arrest on several warrants.

Category 3 indicates non-drug related arrests where search of the prisoner revealed possession of marihuana.

Category 4 indicates traffic arrests where search of the prisoner revealed possession of marihuana.

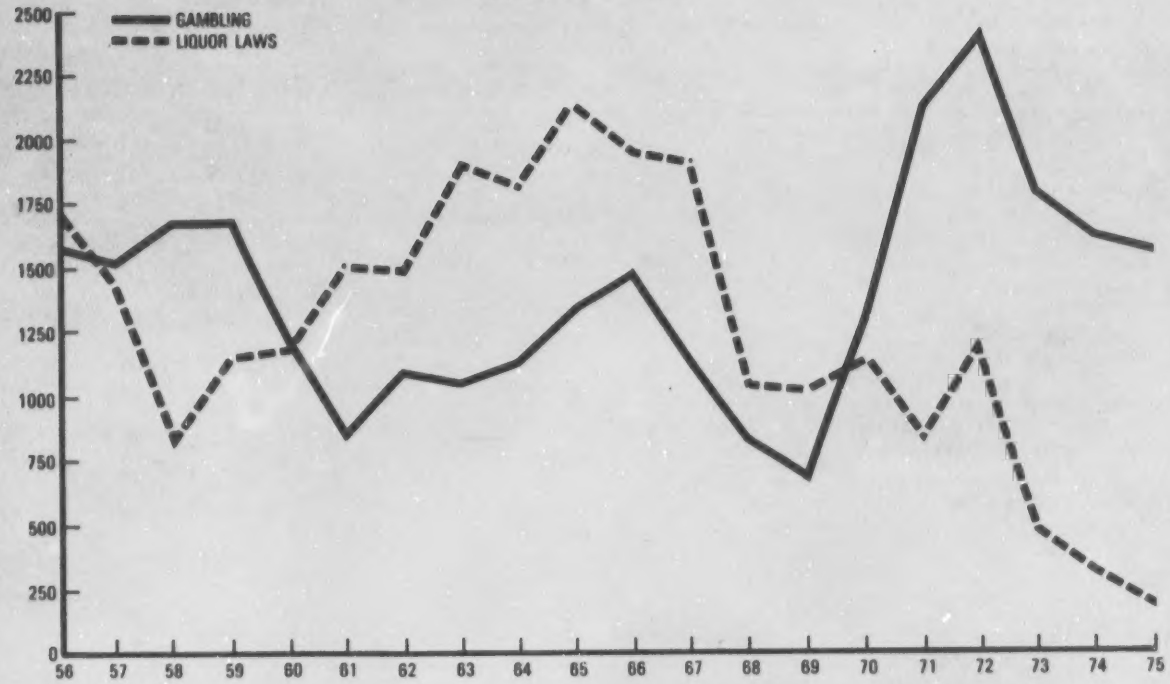
Category 5 reflects cases where there was no prior police investigation or arrest but the subject was observed possessing, disposing of, or smoking marihuana. Traffic stops where the subject was not under formal arrest before observation of the marihuana are included in this category.

upsurge in gambling enforcement as the city became more stabilized. The further decline in liquor law enforcement reflects a departmental policy that enforcement against licensed ABC establishments should be performed primarily by the Alcoholic Beverage Control Board rather than by the police department.

Graph 7-23

ARRESTS

GAMBLING AND LIQUOR LAWS
FISCAL YEARS 1956 — 1975



6. *Drunkenness and disorderly conduct* (Graph 7–24). These arrests also tend to reflect police, prosecutor, and legislative policy more than the level of incidents in the community. The District of Columbia Crime Commission noted that in 1965 the Washington police made more than three times the number of intoxication arrests, per unit of population, than other cities over 250,000 population. This was so despite the fact that, in response to the 1957 Karrick Report, the police department had issued instructions to send intoxicated persons home, when practical, rather than arrest them. That instruction was issued in August 1958; arrests for intoxication actually increased the following year.

Arrests for drunkenness were analyzed by precincts, to determine what caused city-wide fluctuations such as those found during the first decade of the period. The study revealed that arrest levels for such offenses were controlled less by headquarters policy than by the policies of command and supervisory officials at the precinct level. Data for specific precincts often show how a change in command significantly influenced the arrest levels for drunkenness.

Moreover, a change in police department procedures designed for one objective may produce an unintended side effect. In July 1961 the police department, in cooperation with the courts, initiated a policy whereby a single officer from each precinct could testify in court regarding all drunkenness arrests made by personnel of that unit. The purpose was to reduce the time spent by officers at court to give perfunctory testimony; the effect, as can be seen by the data for fiscal years 1962 and 1963, was a sharp upswing in arrests for drunkenness as officers were relieved of the burden of what was then unpaid court time.

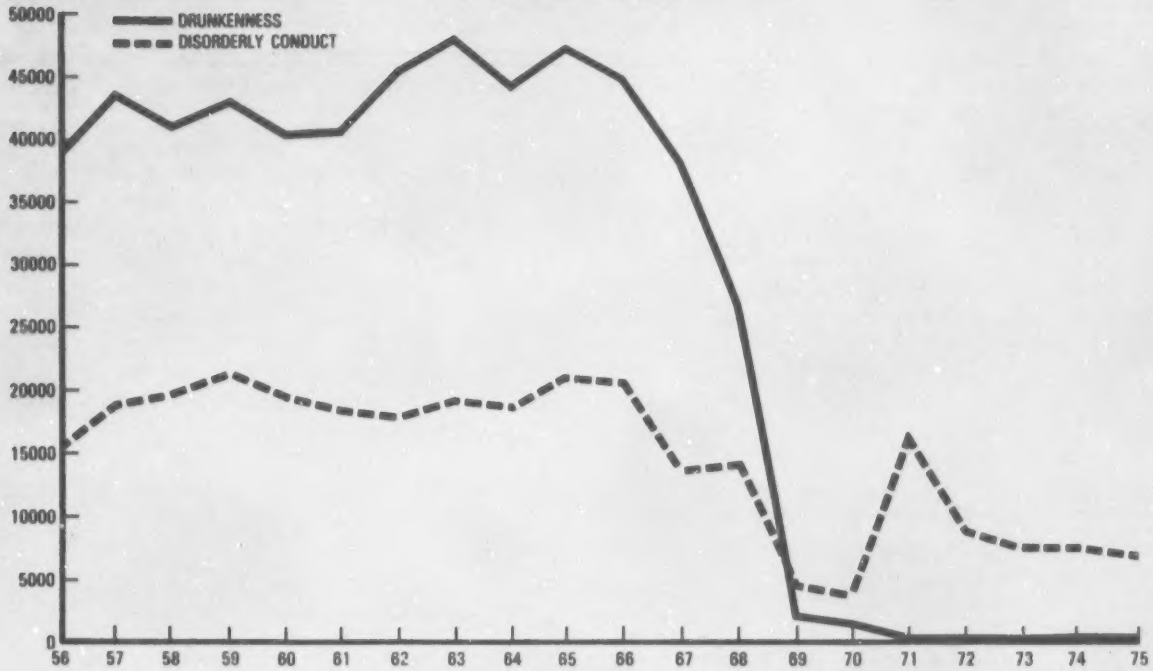
The 1966 *Easter* decision, to the effect that chronic alcoholism is legal defense to the charge of public intoxication, is evident in Graph 7–24, as is the Alcoholic Rehabilitation Act which (effective November 1, 1968) substituted detoxification and emergency medical care for arrest of almost all intoxicated individuals.

Similar factors affected arrests for disorderly conduct. Moreover, the laws and policies regarding arrests for drunkenness in 1966 and subsequent years clearly had an effect on the number of charges for disorderly conduct. The District of Columbia Crime Commission had noted that approximately one-third of all disorderly conduct charges were placed in conjunction with charges of drunkenness. With drunkenness substantially decrimi-

Graph 7-24

ARRESTS

DRUNKENNESS AND DISORDERLY CONDUCT
FISCAL YEARS 1956 — 1975



nalized, there were fewer occasions for the secondary charge of disorderly conduct. More important, there was considerable controversy during the middle 1960's regarding enforcement of the disorderly conduct statutes. The Crime Commission recommended that the police department issue directives regulating the conduct of officers when making arrests for disorderly conduct, and a memorandum was accordingly issued in July 1968. Officers were discouraged from making arrests for disorderly conduct by a policy adopted in May 1969, requiring a pre-trial hearing in all disorderly conduct cases. The effects of those policies are evident in the reduced level of arrests for fiscal years 1969 and 1970. (The upswing in 1971 and 1972 reflects primarily the arrests growing out of various demonstrations and related disorders.)

E. Drug Abuse Data

Charges for drug law violations generally totaled fewer than 1,000 each year until 1968, when arrests moved sharply upward. As indicated by Graph 7–20, the upswing during the late 1960's and through 1971 was largely the result of increased charges for violations involving drugs other than marihuana. Since calendar year 1971, an arrest rate in excess of 4,000 drug charges annually has been sustained by a massive upswing in marihuana violations, offsetting significant reduction in charges for violations involving other drugs.

1. *Marihuana violations.* Because marihuana is not physically addictive, and perhaps to a lesser extent because it is relatively inexpensive, this drug is not generally assumed to have a direct relationship either to profit-oriented crimes or to crimes of violence. Consequently, marihuana is discussed here only because its increased prevalence during the last few years of the study period impinged significantly on drug arrest data.

As with other drugs, the incidence of marihuana use is not precisely known, but the general belief in law enforcement circles is that its use was quite limited in the District until the very late 1960's. The District of Columbia Crime Commission reported that there were only twenty arrests for violations of the Marihuana Tax Act in fiscal 1965, although some marihuana users may have been arrested under other drug laws. The Commission reported that marihuana smoking was most prevalent among older adolescents and young adults in urban slums, with some indications that is had spread from the inner city to local college campuses. In the years immediately following, there was a general perception of growing use of marihuana, both within the inner-city

ghetto and among the "hippie" communities which developed (and later vanished) in the areas around and between Dupont Circle and lower Georgetown.

In 1969 the police department increased its emphasis on both street-level and supplier-level drug enforcement, concentrating on "hard" drugs. Marihuana enforcement was directed primarily towards the major suppliers, with street level arrests usually occurring only as a consequence of non-investigatory observations. By 1972, however, the use of marihuana had become so prevalent that charges frequently resulted from searches incidental to other arrests or from observations of open use or possession. This increase in marihuana-related arrests so skewed the arrest data as to make it necessary to separate marihuana charges from other drug charges, in order to obtain a reasonable portrayal of the more serious "hard" drug problem.

2. *Narcotics and other (non-marihuana) drugs.* Data on drug arrests are questionable as an indicator of the extent and trend of drug problems. Still, if one modifies the drug arrest trend shown on Graph 7–20 to eliminate the effects of the marihuana "explosion" in the early 1970's, the arrest data are reasonably representative of what was thought to be going on—and what other studies indicate actually was going on—with regard to drug use over the period. (The modified trend line is shown on Graph 7–27.) Narcotics sales in the District of Columbia were believed to be declining in late 1959. There are some indications of a rise in narcotics use during the early 1960's; the District of Columbia Crime Commission noted a significant increase in the number of narcotic addicts arrested for robbery, from 39 in 1962 to 107 in 1965.

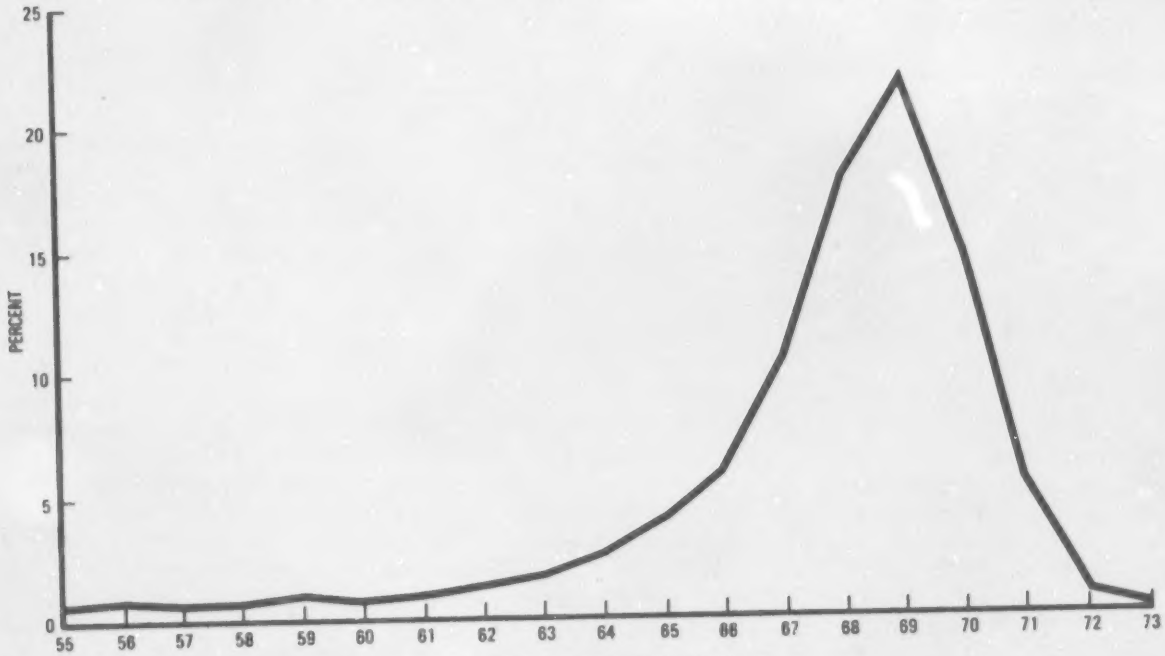
The Crime Commission further noted an apparent relationship between drug abuse and serious crime. Its review of the prosecutor's files at the Court of General Sessions revealed that, in 1964, drug users accounted for 56 percent of all prostitution-related offenses, 26 percent of attempted burglaries, and 26 percent of other miscellaneous offenses presented before that court. Furthermore, a study of U.S. District Court offenders showed that 15 percent of all convicted felons in 1965 had a drug habit and that 56 percent of those supported it by engaging in criminal activity.

Data now available indicate that what was to become a sharp upswing in heroin use and addiction had begun even as the Crime Commission's work was underway. For example, the year of first heroin use among 15,000

Graph 7-25

DISTRICT OF COLUMBIA

INCIDENCE OF HEROIN ADDICTION: YEAR OF FIRST HEROIN USE AMONG 15,000 N.T.A. PATIENTS



ADAPTED FROM "THE EPIDEMIOLOGY OF DRUG ABUSE" OF THE AMERICAN PUBLIC HEALTH ASSOCIATION, p. 3. (WASHINGTON: GOVERNMENT PRINTING OFFICE, 1974) CITING DATA OF THE NARCOTICS TREATMENT ADMINISTRATION OF THE DISTRICT OF COLUMBIA.

NTA patients had begun to accelerate as early as 1964 (Graph 7–25). And narcotics-involved bookings into the District Jail indicate a sharply increasing prevalence among offenders in 1967 and 1968 (Graph 7–26).

3. *Relationship of drugs to serious crime.* A major impetus for the creation of treatment programs in the District was concern over crimes which were perceived as being increasingly committed by addicts. Thus, in 1969, at hearings of the Senate District Committee, Judge Alfred Burka estimated that "75 percent to 85 percent of the crimes, other than domestic matters and fights between friends, are crimes committed by narcotics addicts." Although certainly an exaggeration, Judge Burka's estimate was buttressed by a study of 225 inmates of the District Jail during August and September of 1969. Of this sample, 45 percent were narcotics addicts. With respect to specific offenses, addicts comprised 66 percent of larceny-theft offenders, 43 percent of burglary offenders, and 40 percent of robbery offenders. There is no question that, in 1969, drug use was considerably changed from the situation observed by the District of Columbia Crime Commission.

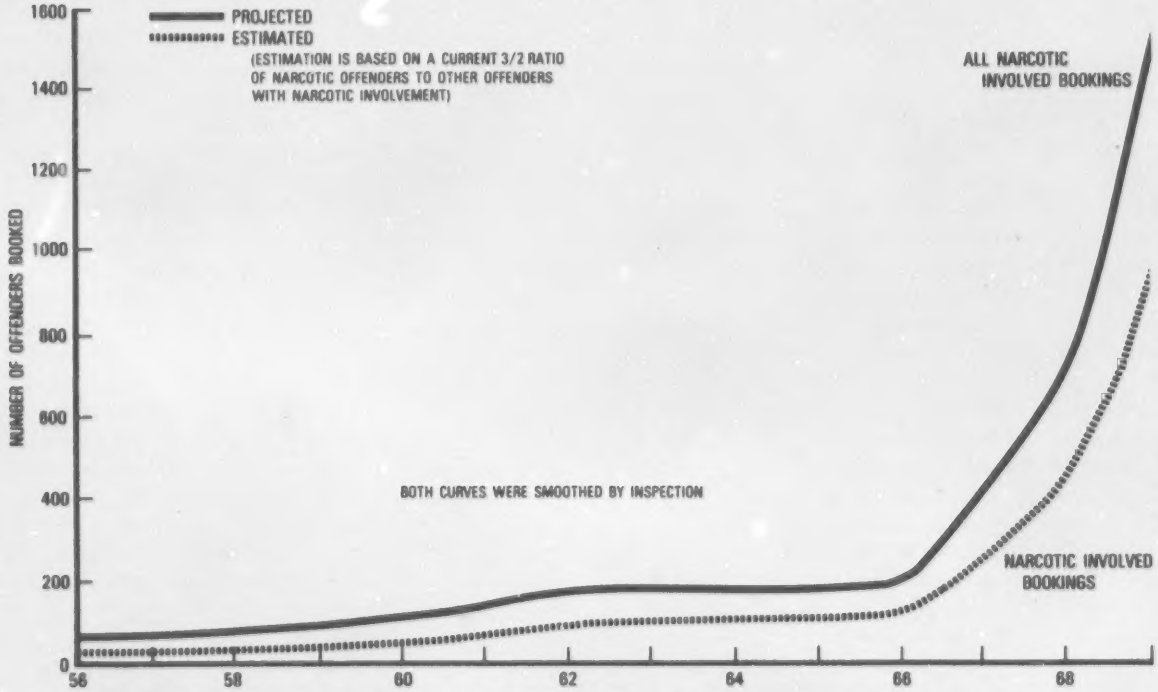
Graph 7–27 compares Crime Index offenses reported, estimated number of non-marijuana drug arrests, and first year of heroin use for the years in which those data are available. Readers may correctly protest that drug-related crimes are presumed to be crimes against property; however, the graph line for property-related crimes (when robbery is included) is virtually indistinguishable from the graph line for total Crime Index offenses. Again, readers may protest that there is a hazard in attributing crimes to drug addiction, because it is uncertain how much of the crime committed by acknowledged addicts would have been committed even if addiction were not present. Still, the similarities in Graph 7–27 are striking. This is especially so if one remembers that the pre-1966 upward trends for Crime Index offenses reflect to some extent revised police reporting policies.

F. Victimization Studies and Similar Data

I have already noted some of the faults of the Uniform Crime Reports which derive from faulty or manipulated records systems. A second major deficiency of the UCR—readily acknowledged by its designers—is that many crimes simply never come to the attention of the police. The first efforts to develop sounder crime-measurement data were the victimization surveys commissioned during the mid-1960's by the President's

Graph 7-26

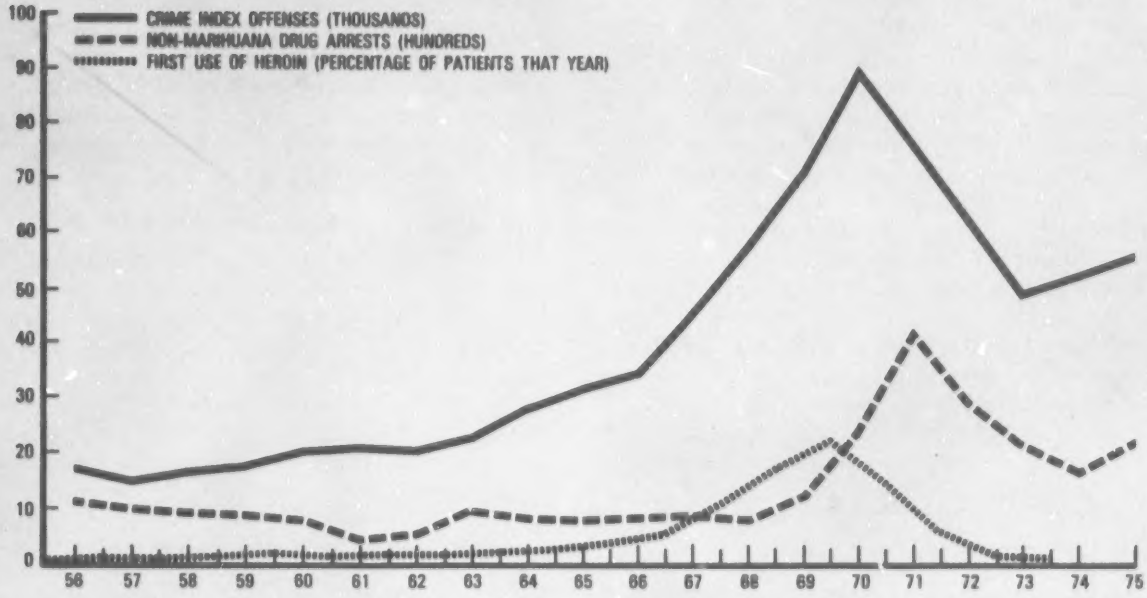
NARCOTIC INVOLVED BOOKINGS INTO THE D.C. JAIL



SENATE COMMITTEE ON DISTRICT OF COLUMBIA, HEARINGS ON DRUG ABUSE IN THE WASHINGTON AREA, MARCH AND APRIL, 1969, p. 242.

Graph 7-27

CRIME INDEX OFFENSES REPORTED (FISCAL YEARS)
ESTIMATED NON-MARIHUANA DRUG ARRESTS (FISCAL YEARS)
AND
FIRST USE OF HEROIN AMONG 15,000 NTA PATIENTS (CALENDAR YEARS)



Commission on Law Enforcement and Administration of Justice. Interviews were conducted in 10,000 randomly selected households, on a national basis; and more detailed surveys were undertaken in several high and medium crime-rate precincts in Washington, Chicago, and Boston. These surveys—based solely on victimization of the persons interviewed—showed a considerable disparity between data obtained from victims and the data compiled from police reports. Indeed, for certain crimes, the number of offenses reported by the victimization surveys ranged from three to ten times greater than those shown by police data.

In the early 1970's, the Law Enforcement Assistance Administration established the National Crime Panel Surveys, relying on sampling procedures conducted by the Bureau of the Census. By 1975, estimations had been developed nationally and for three groupings of large cities, including the District of Columbia. The time frame was roughly calendar year 1973. It was not surprising that, in every city surveyed, the level of victim-reported crime was much higher than that shown in the Uniform Crime Reports. What *was* surprising was the relatively good standing of Washington, compared with twelve cities of roughly comparable size which had been grouped with it (Table 7–28).

It is also interesting to compare Washington's standing in the victimization data with its standing in the Uniform Crime Reports for the same year (Table 7–29). The comparison suggests that the District's crime reporting system was substantially more effective than most.

There is one major question about this conclusion. Victimization data are gathered only from *residents* of the cities involved. Because of the high level of commuter and tourist traffic into Washington, skeptics might argue that high proportion of Washington crime was against non-residents and was thus excluded from victimization data. To examine the validity of this argument, special runs of data were obtained from the Metropolitan Police Department, showing distribution between resident and non-resident victims of Crime Index offenses reported for April 1976. Those tabulations show that non-residents were victims in less than 5 percent of the homicides, forcible rapes, aggravated assaults, and burglaries reported for that month; non-residents were victims in 10 percent of robberies, 27 percent of larceny-thefts, and 26 percent of motor vehicle thefts, as reported. In none of the categories—even the 27 percent for larceny-theft—would an increase of victimization data of Washington by the indicated proportions greatly affect the District's ranking among the thirteen cities.

Table 7–28

Criminal Victimization Surveys in 13 Cities—National Crime Panel Surveys—June 1975
(Data from period roughly of calendar year 1973)

	District of Columbia	Boston	Buffalo	Cincinnati	Houston	Miami	Milwaukee	Minneapolis	New Orleans	Oakland	Pittsburgh	San Diego	San Francisco
Victimizations of Persons 12 & over:													
(Rate per 1000 residents)													
All personal crimes of violence	31	67	49	63	53	22	61	70	46	59	47	53	71
Rape	1	2	2	2	3	1	2	4	3	3	2	2	3
All Robbery	17	31	16	15	17	10	18	21	18	22	15	11	29
Robbery with injury	5	9	5	6	4	3	6	7	5	7	6	4	9
Robbery without injury	13	22	11	9	13	6	12	14	13	15	9	7	20
All Assaults	13	35	31	47	33	12	41	46	26	34	30	39	39
Aggravated assaults	6	17	14	22	17	7	17	18	13	16	13	16	14
Simple assaults	7	18	17	25	16	5	24	28	13	18	17	24	25
All personal crimes of theft	65	119	74	111	122	44	103	120	94	102	83	141	129
Personal larceny with contact	12	26	7	7	6	5	7	6	14	10	7	5	23
Personal larceny without contact	53	93	67	104	116	39	96	113	80	92	76	136	106
Victimizations of Households:													
(Rate per 100 households)													
Burglary	75	149	97	143	164	85	132	177	112	174	93	138	115
Household larceny	51	87	92	103	167	66	128	164	116	108	90	190	85
Motor vehicle theft	15	86	30	25	32	18	29	41	32	36	43	25	38
Commercial Victimizations:													
(Rate per 1000 establishments)													
Burglary	330	576	319	566	518	292	321	436	448	637	293	358	253
Robbery	88	132	56	72	140	104	49	91	173	137	77	49	80

Table 7–29

District of Columbia Among 13 Cities
Ranking From Highest in Rates of Crime

Category	D.C. Ranking 1973 UCR Per 1,000 Population	D.C. Ranking Victimization Data* (c. Calendar 1973)
Rape	1	12 including homosexual rape
Robbery	1	7 Personal Robbery 7 Commercial Robbery
Aggravated Assault	3	13 Personal Assault
Burglary	9	13 Household Burglary 8 Commercial Burglary
Larceny-theft	7	12 Personal Theft 13 Household Theft
Motor Vehicle Theft	13	13 Motor Vehicle Theft

* Refer to Table N for bases of rate computation for victimization data.

CHAPTER VIII. THE DISTRICT AND THE NATION

A. District of Columbia/National Crime Trends

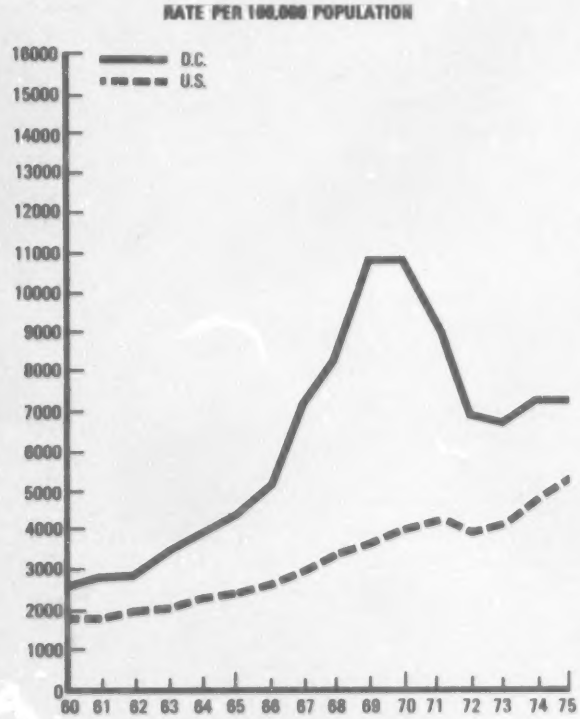
The following graphs compare the District experience with national trends from 1960 through 1975. (1960 was the year in which Crime Index statistics were first reported on a general basis by the Uniform Crime Reporting System.) Shown separately are the trends for "total" and for "violent" Crime Index offenses reported.* The "violent" grouping includes murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault. It is evident from Graphs 8–1 and 8–2 that rates of "total offenses" and of violent crimes have consistently been higher for the District than for the nation. This is unsurprising, for it is to be expected that crime rates for a major city will be higher than for the nation as a whole, which has a significant proportion of its population living in suburban, small town, or rural settings with lower rates of crime than densely populated cities.

What is noteworthy is the sharp divergence of the trends from 1962 onward, and particularly from 1966 onward. Whereas the District had a crime rate approximately one-half greater than the national rate in 1960, by 1969 the District's rate was nearly three times the national rate. A similar divergence is found for violent crimes. However, as shown on the Graphs 8–1 and 8–2 and as can be seen in the following table, the wide divergence of rate changes from 1960 was eliminated by 1974.

* Here and elsewhere, the graph of "property" Crime Index offenses has been omitted because it so closely resembles the graph for "total" offenses.

Graph 8-1

CRIME INDEX "TOTAL OFFENSES" REPORTED



Graph 8-2

CRIME INDEX "VIOLENT CRIMES" REPORTED

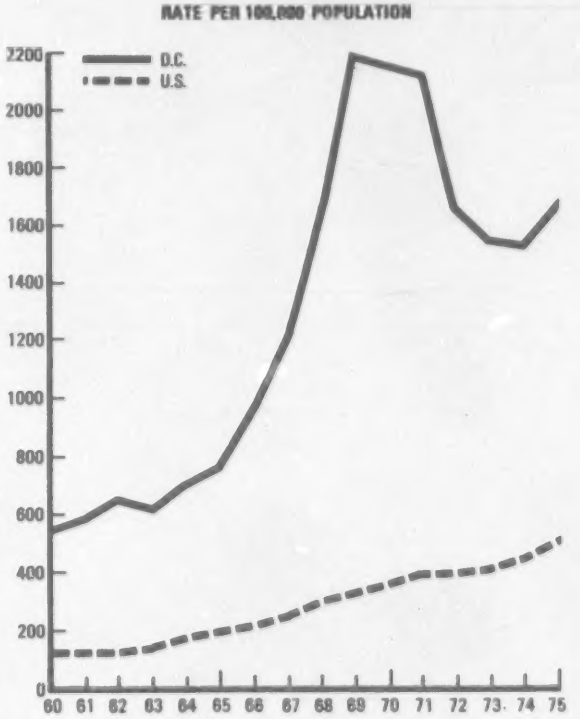


Table 8–3

Increase in Reported Crime Rate per 100,000 Population

Percent Change from 1960 to:	D.C. "Total"	D.C. "Violent"	U.S. "Total"	U.S. "Violent"
1966	92%	69%	42%	37%
1969	299%	292%	95%	104%
1974	166%	176%	157%	187%

B. District of Columbia/Major City Crime Comparisons

An effort has been made to compare District of Columbia crime with crime in other cities of similar size. The comparisons (tables 8–4 through 8–6) pertain to the 23 cities, including the District, which had 500,000 to 1,000,000 inhabitants in the 1960 census or the 1970 census.

There are many hazards in comparing crime data between cities. The UCR publications list such cautionary factors as density and size of the community population and of the metropolitan area of which it is a part; composition of the population with particular reference to age, sex, and race; economic status and mores of the population; stability of the population including commuter, seasonal, and other transient categories; and climate, including seasonal weather conditions.

A 1973 study by the Council on Municipal Performance examined correlations between demographic factors and reported crimes in large cities, finding scant statistical evidence of a relationship between most factors and crime rates. For example, the size of the city is generally thought to have important bearing on its crime rates. COMP found that population *density* is a more important factor than population *size*, especially when attention is focused on violent crimes. Thus a city such as San Diego, with fewer than 2,000 residents per square mile, might reasonably be expected to have substantially lower crime rates than Baltimore, Washington, or San Francisco, each with more than 11,000 residents per square mile.

Moreover, COMP noted in a 1974 report that UCR reporting areas do not always correspond to city bound-

Table 8–4

*Crime Index "Total Offenses" Reported Number-Rate Per 100,000 Population-Rank Order Cities 500,000 to 1,000,000 Population**

	1960			1965			1970			1975		
Cities from 1960 Census:	Actual Number	Rate Per 100,000	Rank Order	Actual Number	Rates Per 100,000	Rank Order	Actual Number	Rate Per 100,000	Rank Order	Actual Number	Rate Per 100,000	Rank Order
Baltimore	22653	2412	16	36642	3961	12	81681	9018	5	70411	7884	15
Boston	15024	2155	17	25992	3876	13	43238	6745	13	80530	12885	1
Buffalo	7565	1420	22	13977	2768	21	23966	5179	20	28651	6367	21
Cincinnati	9245	1840	21	13140	2654	22	25829	5708	28	33639	7680	16
Cleveland	23001	2626	14	28713	3358	16	56918	7580	9	57806	7984	14
Dallas	22481	3308	6	34632	4384	6	74514	8824	6	94411	10704	3
Houston	27345	2915	10	38342	3486	15	78124	6339	16	92207	7028	18
Milwaukee	13833	1866	20	19876	2598	23	29273	4081	23	38517	5518	22
New Orleans	18394	2931	9	21984	3356	17	44010	7416	11	39799	6734	7
Pittsburgh	16300	2697	13	22705	4054	10	32784	6303	17	31828	6391	20
St. Louis	38810	5174	2	50997	7183	1	71437	11481	1	69401	11823	2
San Antonio	19287	3282	7	25780	3997	11	42280	6463	15	58993	8701	10
San Diego	13908	2426	15	19527	3070	20	39316	5643	19	60022	8111	13
San Francisco	30918	4176	3	44627	5990	2	73605	10285	3	64518	9516	6
Seattle	18129	3254	8	20440	3618	14	44374	8359	8	46110	8953	8
Washington, D.C.	20749	2716	12	33904	4186	7	86631	11451	2	55157	7394	17
Cities added by 1970 Census:												
Columbus, OH	13680	2904	11	17058	3159	19	34962	6472	14	50352	9024	7
Denver	17886	3621	5	21257	4088	9	48879	9497	4	50387	9561	5
Indianapolis	9967	2094	18	21766	4107	8	37616	5052	21	41913	5515	23
Jacksonville	10459	5204	1	10966	5538	3	34816	6901	12	44700	8232	12
Kansas City	2976	625	23	27466	5182	4	38070	7503	10	44954	8797	9
Memphis	10269	2062	19	17239	3284	18	26936	4320	22	54302	8592	11
Phoenix	17391	3961	4	25596	4922	5	51004	8770	7	75720	10620	4

Note: (1) Includes cities 500,000 to 1,000,000 in 1960 and/or 1970 census
(2) Data for 1960, 1965 and 1970 include homicide by negligence

Table 8–5

Crime Index "Violent Crimes" Reported Number-Rate Per 100,000 Population-Rank Order
Cities 500,000 to 1,000,000 Population

Cities From 1960 Census:	1960			1965			1970			1975		
	Actual Number	Rate Per 100,000	Rank Order	Actual Number	Rate Per 100,000	Rank Order	Actual Number	Rate Per 100,000	Rank Order	Actual Number	Rate Per 100,000	Rank Order
Baltimore	3193	340	5	6396	692	3	18989	2096	2	16086	1801	2
Boston	1440	206	14	2216	331	13	5445	849	10	11386	1822	1
Buffalo	536	101	21	866	172	21	2604	563	16	3350	744	16
Cincinnati	664	132	18	1168	236	17	2290	488	19	3578	817	14
Cleveland	2017	230	13	3400	398	8	8004	1066	7	10403	1437	5
Dallas	1755	258	11	2255	285	9	8284	981	8	7655	868	12
Houston	2585	276	10	4046	368	10	9918	805	13	8924	680	18
Milwaukee	700	94	22	776	101	23	1549	216	23	3203	459	23
New Orleans	1779	284	8	2282	348	11	6373	1074	6	6010	1016	9
Pittsburgh	1547	256	12	2714	485	7	4686	901	9	4914	987	10
St. Louis	4635	618	1	5054	712	2	9390	1509	3	10565	1800	3
San Antonio	1130	192	15	1960	304	14	3346	512	18	4222	623	20
San Diego	721	126	20	970	152	22	2050	294	22	3859	521	22
San Francisco	3051	412	4	4129	554	5	9630	1346	4	9137	1348	6
Seattle	717	129	19	1025	181	20	3173	501	15	3971	771	15
Washington, D.C.	4254	557	3	5823	719	1	16446	2174	1	12704	1703	4
Cities added by 1970 Census:												
Columbus, OH	1331	283	9	1182	219	18	2946	546	17	3980	713	17
Denver	1531	310	7	1495	288	15	4248	825	11	4960	941	11
Indianapolis	849	178	16	1773	334	12	3619	486	20	4655	612	21
Jacksonville	1202	598	2	1116	564	4	4110	814	12	4682	1118	8
Kansas City	228	48	23	2713	512	6	5479	1080	5	6072	1188	7
Memphis	788	158	17	961	183	19	2708	434	21	5429	859	13
Phoenix	1423	324	6	1438	276	16	3609	621	14	4649	652	19

Note: (1) Includes cities 500,000 to 1,000,000 population in 1960 and/or 1970 census.
(2) Data for 1960, 1965 and 1970 include homicide by negligence.

aries. Although Indianapolis purported to be a city of 745,000, and computed its crime rates on that basis, the Indianapolis police district encompassed only 480,000 residents and apparently reported only crimes occurring within that area. In the District of Columbia, most crimes reported to the United States Park Police and to the National Zoological Park Police are not forwarded to the Metropolitan Police Department, and therefore are not included in MPDC crime reports nor in the UCR statistics. Similar situations may prevail in other cities.

Whatever the deficiencies of comparisons between reported crime rates of cities of similar size, such comparisons continue to be made and to influence public policies towards crime control.

In 1960, when crime had already become a major issue in the District of Columbia, the city ranked twelfth among the 23 jurisdictions in terms of Crime Index offenses reported per 100,000 population (Table 8–4). By 1965, after the District crime rate had escalated to a national political issue, the city ranked seventh and by 1970 its ranking had increased to second. By 1975, after several years of reported crime reduction, the city had dropped to seventeenth place.

But it is not the total Crime Index rates on which public perceptions are formed. Rather, it is the rate of "violent crime" which tends to concern most citizens (Table 8–5). With respect to these crimes, the District of Columbia ranked third among 23 cities in 1960, first in 1965 and 1970, and fourth in 1975. Yet even the limited category of "violent crimes" can be misleading. Robbery constitutes more than half the violent crimes in city crime; aggravated assault constitutes about a third. However, aggravated assaults tend to result from family quarrels or other social situations rather than from criminal activity, while robbery usually is committed by offenders against strangers. Despite its property orientation, and despite the fact most robberies do not result in actual injury to victims, the offense of robbery is generally viewed by the public as a matter of greater concern than other property offenses, including even burglary.

Table 8–6 displays data for robbery alone. Comparing Table 8–6 with Table 8–5, it will be noted that the only significant change was in 1960, when Washington ranked sixth among the 23 cities in robberies as com-

Table 8–6

Robbery Offenses Reported—Number-Rate Per 100,000 Population-Rank Order
*Cities 500,000 to 1,000,000 Population **

Cities From 1960 Census:	1960			1965			1970			1975		
	Actual Number	Rate Per 100,000	Rank Order	Actual Number	Rate Per 100,000	Rank Order	Actual Number	Rate Per 100,000	Rank Order	Actual Number	Rate Per 100,000	Rank Order
Baltimore	880	94	10	2109	228	8	10965	1210	2	9055	1013	4
Boston	632	91	12	1109	165	11	3371	526	8	7778	1244	1
Buffalo	165	31	20	381	75	17	1497	323	14	2340	520	10
Cincinnati	228	45	18	317	64	20	1236	273	18	1745	398	17
Cleveland	1303	149	5	1832	214	9	5475	729	5	7100	980	5
Dallas	545	80	14	592	75	18	2964	351	13	3386	384	18
Houston	614	65	15	1434	130	14	6405	519	9	6422	489	11
Milwaukee	157	21	22	214	28	23	649	90	23	1968	282	21
New Orleans	947	151	4	1065	162	12	3632	612	6	3596	608	7
Pittsburgh	792	131	7	1373	245	6	2690	517	10	2710	544	9
St. Louis	2157	288	2	2293	323	2	5296	851	3	6288	1071	3
San Antonio	241	41	19	336	52	22	1062	162	20	1730	255	23
San Diego	336	59	16	367	58	21	839	120	22	2199	297	20
San Francisco	1559	211	3	2087	280	4	5881	821	4	5687	839	6
Seattle	500	90	13	516	91	16	1984	374	12	2103	408	15
Washington, D.C.	1972	140	6	2881	356	1	11816	1563	1	9137	1225	2
Cities added by 1970 Census:												
Columbus, OH	507	108	8	517	96	15	1682	311	15	2402	430	14
Denver	56	11	23	757	146	13	1980	384	11	2568	487	12
Indianapolis	472	99	9	1051	198	10	2073	278	17	3092	407	16
Jacksonville	734	365	1	622	314	3	1507	298	16	1786	329	19
Kansas City	109	23	21	1212	229	7	2982	588	7	3081	603	8
Memphis	274	55	17	344	66	19	998	160	21	2983	472	13
Phoenix	403	92	11	490	247	5	1395	240	19	1938	271	22

Note: Includes cities 500,000 to 1,000,000 in 1960 and/or 1970 census.

pared with its ranking of third for all violent crimes. Otherwise, the rank order of Washington for robbery was about the same as its rank order for all violent crimes.

In looking at tables such as these, it must be remembered that first place may be "first among near equals" or "first by large extent." The District of Columbia ranked highest in violent crimes in 1965, but St. Louis and Baltimore were within 5 percent of the District's rate. On the other hand, the District ranked first in robberies in 1970, and was nearly 30 percent higher than the second-place city.

In addition to the comparisons of four selected years, it seemed desirable to construct graphic comparisons of District crime trends, over a period of time, with other cities of similar crime rates. The cities are those which ranked among the first five in total Index offenses or violent crimes in 1960 or 1975 (Table 8–7). The rationale for this selection is that a city might be expected to have had a comparatively reliable crime reporting system in the year or years it appeared among the first five cities in crimes reported. I do not suggest that every city ranked below the first five deliberately falsified its crime reporting, although victimization studies suggest that such may be the case for many of those cities. Neither do

Table 8–7

Total Crime Index and Violent Crimes Reported—High Five Cities 1960 and 1974

Rank Order Crime Per 100,000 Population	1960		1975	
	Total Index	"Violent Crimes"	Total Index	"Violent Crimes"
1	Jacksonville	St. Louis	Boston	Boston
2	St. Louis	Jacksonville	St. Louis	Baltimore
3	San Francisco	Washington, D.C.	Dallas	St. Louis
4	Phoenix	San Francisco	Phoenix	Washington, D.C.
5	Denver	Baltimore	Denver	Cleveland

I suggest that crime reporting for the selected cities has been unchanged across the 15 years shown. Such has not been the case for the District of Columbia, as has already been noted; nor was it the case for Baltimore and Dallas and perhaps others which have announced changes in their reporting procedures since 1960.

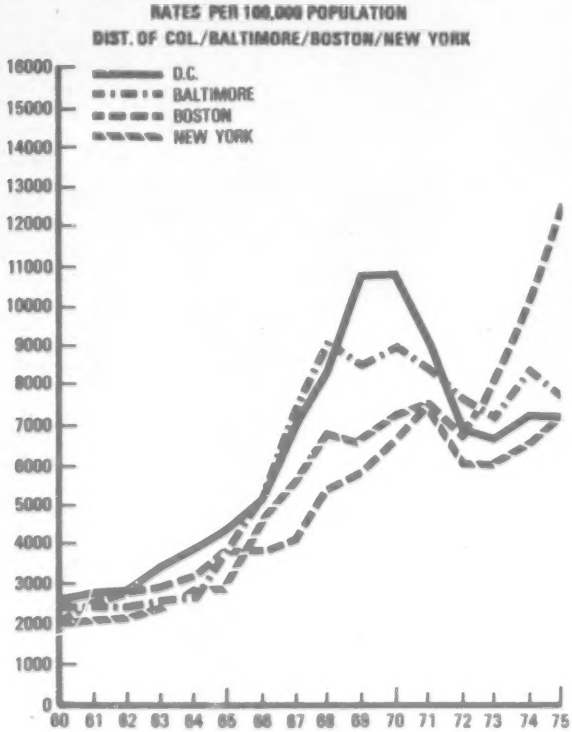
In addition to the nine cities selected in this manner, a graphic comparison has been added for New York City, for two reasons. First, New York City in the early 1970's underwent a period (much as the District of Columbia did in earlier years) when its safety problems captured the attention of the media. To a large extent, New York City in that period replaced Washington in the national perception as the "Crime Capital" of the nation. Second, observers of crime statistics have noted in recent years an apparent relationship between the crime trends of New York City and those of Baltimore and Washington. (The graphs in this chapter show the relationships to be stronger with regard to property crimes than to violent crimes, suggesting that some factor such as a common source of supply and marketing of heroin has exerted a similar influence on all three cities.)

Graphs 8–8 through 8–13 compare crime trends for the ten cities. Somewhat arbitrarily, the cities have been divided into three groups: the Northeastern cities of Boston, Baltimore, New York, and the District of Columbia; the Midwestern and Western cities of St. Louis, Denver and San Francisco (with comparison to the District); and the more sprawling cities of Phoenix, Dallas and Jacksonville, with Cleveland added because it imperfectly fits either category, and again with comparison to the District. Graphs are supplied showing rates per 100,000 population for Crime Index "total offenses" and "violent crimes."

It already had been noted that trends for individual cities may be affected by reporting process changes. Known examples among the cities graphed are Washington, Baltimore, Dallas and New York City; perhaps there are others. Also to be taken into account in examining these graphs is that the rates were computed on the basis of 1960 consensus data, 1965 population estimates, and 1970 census data. Consequently, sharp changes at 1964–65 (as in the cases of Denver, Phoenix and St. Louis) are partly accounted for by changes in the population base for computation. (In each of those cities there also was a numerical decrease in reported crimes; in the case of Denver, the numerical decrease from 1964 to 1965 amounted to 29 percent, signaling a possible report-

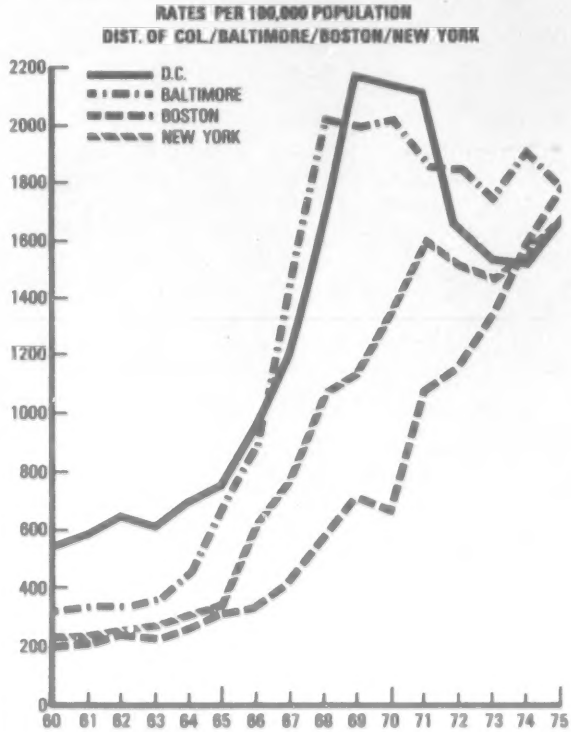
Graph 8-8

CRIME INDEX "TOTAL OFFENSES" REPORTED



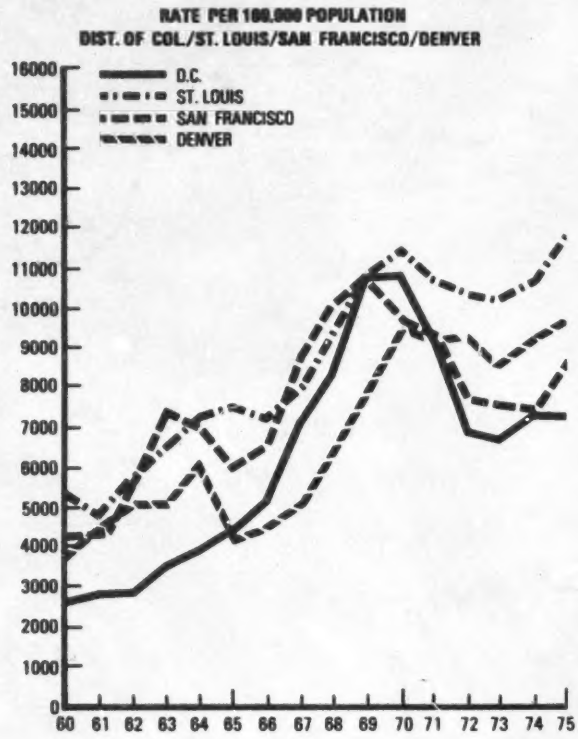
Graph 8-9

CRIME INDEX "VIOLENT CRIMES" REPORTED



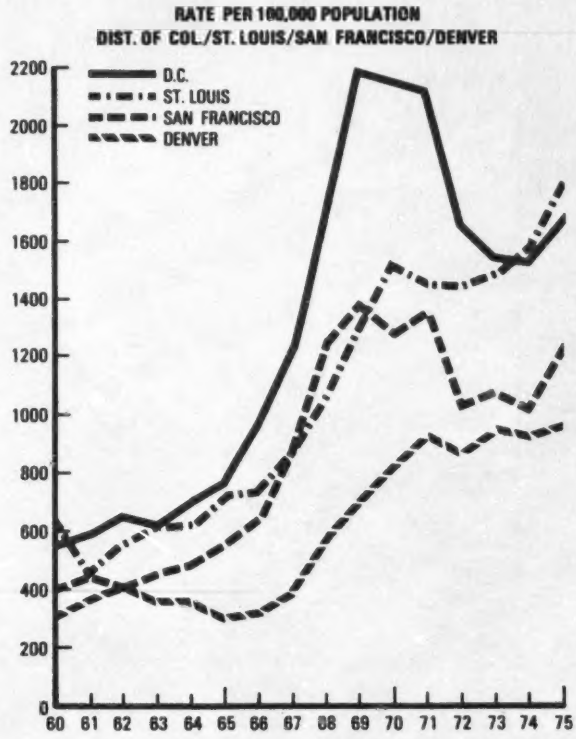
Graph 8-10

CRIME INDEX "TOTAL OFFENSES" REPORTED



Graph 8-11

CRIME INDEX "VIOLENT CRIMES" REPORTED



ing change.) The sharp change in the Jacksonville data between 1967 and 1968 is caused by expansion of its boundaries: annexation doubled its number of Crime Index offenses and more than doubled its population base.

Vagaries of local reporting systems are not particularly important, however. The purpose here is not to compare particular cities with the District or with each other, but rather to show whether or not the District's crime trends in the late 1960's were an aberration, in comparison with national trends, as one might have concluded from Graphs 8–1 and 8–2.

From these graphs, it is evident that the District of Columbia crime trends during the 1960's are not as unusual as the District trends alone or the comparison with overall national crime trends would indicate.

In terms of "total offenses," District trends are surprisingly similar to those of most cities. Indeed, the similarities are so striking as to cast doubt on assumptions that the District's criminal justice problems in the late 1960's were unique, or that the massive response to those problems during the early 1970's was the primary factor in a declining crime rate. These doubts seem to vanish, however, when we turn to the graphs for violent crime.

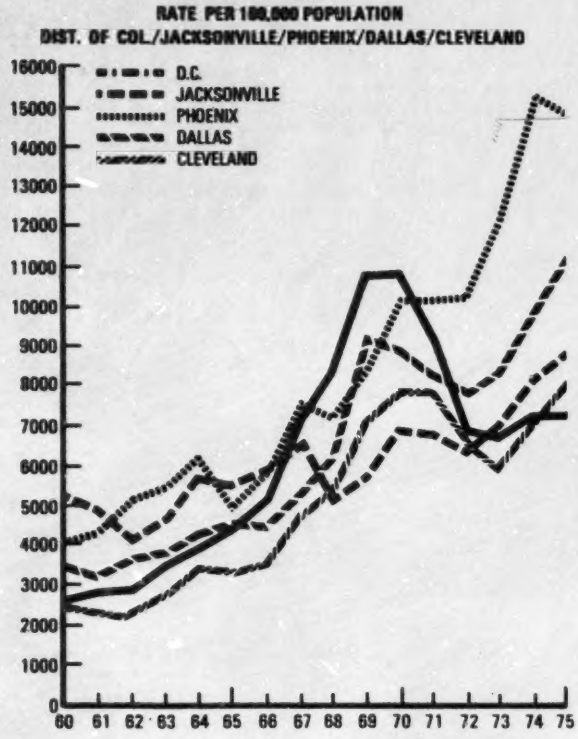
Trends of violent crime in the District do not compare as neatly as the trends for "total offenses." The best comparison is with Baltimore, which showed a sharp upswing in violent crimes at about the same time as the District and significant declines during approximately the same years. Less impressive comparisons can be made with New York City, San Francisco, St. Louis, and Cleveland. However, given a strong correlation between violent crimes and population density, it should not be surprising that the rates of Denver, Phoenix, Jacksonville, and Dallas do not match those of more densely populated cities.

Looking at violent crime alone, one gets a somewhat different perspective of District crime problems than was the case with total offenses. At least on the basis of UCR data, it is evident that the violent crime in the District in the late 1960's, while not unique, was substantially more severe than in any of the other cities except Baltimore. Moreover, on the basis of UCR data, it is evident that the District has had unusual success in reducing its violent crime rate after 1969.

Given the much greater fear of violent crime than of

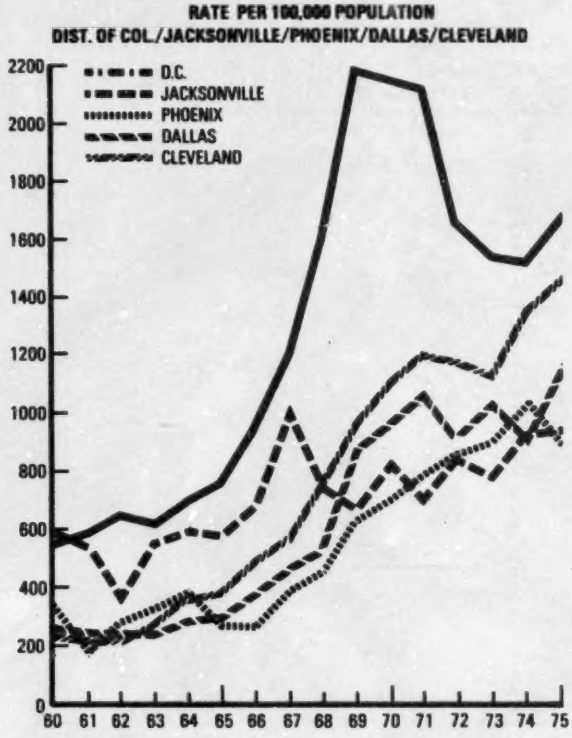
Graph 8-12

CRIME INDEX "TOTAL OFFENSES" REPORTED



Graph 8-13

CRIME INDEX "VIOLENT CRIMES" REPORTED



property crime, and given the effect which robberies and other violent crimes have on public perceptions of safety, one develops a different perspective from violent-crime graphs than was obtained from total-offense trends. Once again, the massive crime reduction efforts following 1969 appear to have been well-justified and to have produced worthwhile results.

C. Summary

- In 1960, despite the high level of local and congressional interest, the reported crime rate of the District was not unusually high in relation to that of other cities of similar size. The District then ranked twelfth among comparable cities in reported Crime Index "total offenses." Although it ranked third in reported "violent crimes," most of its violent crimes at that time consisted of family and friendship-oriented aggravated assaults. The city ranked sixth in reported robberies.
- By 1965, the District's ranking had moved to seventh place with regard to "total offenses." More important, by 1965, the city had moved to first place in "violent crimes" and also in reported robberies; even so, the rates were not extraordinarily high in relation to the second- and third-ranking cities.
- By 1970, the District had moved to second place in "total offenses." Moreover, the city had continued at first place in violent crime, at a level which was extraordinarily higher than any of the other cities except second-place Baltimore. In addition, the District in 1970 continued to be first in the rate of reported robbery. This was extraordinarily higher than second-place Baltimore and nearly twice as high as third-place St. Louis.
- By 1975, the District had resumed approximately the same position it had in 1960. The District now ranked seventeenth in reported total offense rates, fourth in reported violent crime rates, and second in reported robbery rates.
- Crime trends of the District from 1960 through 1975 are significantly, indeed spectacularly, different from those of the nation as a whole. This is so whether the trends are expressed in terms of offenses per 100,000 population or in terms of percentage increases and decreases.
- Nevertheless, the Crime Index trends of the District over the period 1960 through 1975 are markedly

similar to those of most of nine other cities selected for comparison. These comparisons show that the District's rise in *overall* reported crime during the last half of the 1960's—while more sharply upward than in some cities—was not out of accord with what was happening in other large cities. Furthermore, these comparisons suggest that the *overall* crime reductions in the District following 1969 were influenced by factors not unique to the District.

- In terms of *violent* crimes reported, the trend for the District is not closely matched by any city except Baltimore. The general trend of violent crime was a substantial upward movement through the 1960's, with some leveling off after 1970, but only Baltimore and San Francisco show a decline in reported violent crime after 1970 comparable to that of the District.
- The graphs indicate an almost continual relationship between fluctuations of crime in similar cities as reported by the UCR. (The similarities would probably be stronger if changes in reporting systems had not occurred or had occurred simultaneously in all cities.) It might be expected that crime trends over long periods would be somewhat similar, as a result of demographic and other social changes. Less understandable, however, is the coincidence of *short-term changes*, such as the downturn of crime in many cities about 1971–72 and the resumption of upward trends in 1973–74.

CHAPTER IX. CONCLUSIONS

A. Findings Regarding Preliminary Assumptions

Some of the major conclusions obtained from this study are not new, but merely confirm earlier assumptions. Therefore it is useful to reiterate the "preconceived notions" of Chapter 1, with commentary based on the findings of the study.

1. *Regarding District crime trends.* The assumption that the upward trend of reported crime in the late 1950's and early 1960's was affected by police reporting procedures appears to be validated by the statistical comparisons developed in Chapter VII. These comparisons demonstrate wide variances in reported crime following changes in precinct commanders and a decision to distribute police personnel primarily on the basis of reported crime in each precinct. The assumption that, despite deficiencies in the data, the graphic trend lines are reasonably representative of gross changes in crime reported by the police seems to be verified by the relationship of District crime trends to the trends in other large cities, as demonstrated in Chapter 8. (This verification is subject to the caveat, however, that improvements in crime data collection no doubt occurred in many of the other cities as well.)

2. *Regarding comparisons with other cities.* The assumption that the District's crime reporting system, despite its deficiencies, was as accurate as that of most other large cities, appears to be verified in Chapter 7, which compares data reported to the FBI Uniform Crime Report system with data collected by the National Crime Panel victimization surveys. In fact, the victimization data indicate that the District of Columbia UCR data are substantially *more accurate* than those of twelve other cities.

3. *Regarding public perceptions of Washington crime.* The assumption that the public was led by statements of police officials and political leaders to overestimate the threat of crime in Washington (in comparison with other cities, and excluding perhaps 1968 and 1969) seems to be well supported in Chapter 8 by comparisons of reported crime in Washington and other cities and in Chapter 7 by the National Crime Panel victimization surveys. The Chapter 3 recounting of congressional discussions of District crime supports the notion that local problems were overemphasized nationally due to the high visibility of the city.

4. *Effects of police lobbying for legislative changes.* It has not been possible to verify or disprove the assumption that police leaders significantly overemphasized the hindrances to criminal investigations, except for some hyperbole immediately following the Supreme Court ruling in *Mallory v. United States.* It also has not been possible to support the notion that the police department was overstating or overemphasizing the number of crimes or degree of crime rate increases. (Official police department testimony to congressional committees and recorded interviews to the news media about Washington crime usually included qualifying remarks noting that the problems were not unique to the District.) Moreover, it has not been possible to verify the suspicion that blaming crime increases on court restrictions furnished police commanders with a convenient excuse for escaping their responsibility to reduce crime.

5. *Regarding police performance.* As with the preceding assumption, it has not been possible to demonstrate a "negative" police outlook towards combating crime. Moreover, it appears from the record that, despite faulting the courts for limiting police effectiveness, the political and the police leadership continued to view the police as a principal bulwark against crime. Despite this view, so far as can be found, no successful effort was made before late 1969 to hold police middle and upper managers responsible for crime deterrence. The attribution of crime rate decreases of 1970 to the policy of holding police district commanders responsible for crime control is moderated by the findings in Chapter 8 that crime trends of Washington are somewhat similar to trends of other cities.

6. *Regarding the courts.* It is clear from studies by the President's Crime Commission, by the Department of Justice, and by Senator Robert C. Byrd's appropriations hearings in 1967 that trial court administration deteriorated badly during the middle 1960's under pressure of cases coming into the courts, added requirements for trial procedures, and manipulation by defense attorneys of the court scheduling processes and congestion. It seems beyond question that the maintenance of stable crime trends in the District during the middle 1970's would not have been feasible without the court reorganization.

7. *Regarding narcotics problems.* A significant relationship between reported crime and prevalence of heroin use in the District is apparent from available data, supporting an inference that narcotics treatment programs contributed to the reduced incidence of crime in the 1970's.

8. *Regarding corrections.* An apparent negative correlation between trends of inmate populations (other than for drunkenness) and reported serious crimes support the assumption that corrections philosophies and policies have contributed significantly to the crime problems of the period studied.

9. *Regarding resource allocations.* It is clear that the District's criminal justice system has not been significantly hampered by lack of resources over the period studied. It has not been possible to verify the assumption that a locally elected governing body would have been more restrained in allocating resources to criminal justice than was the case with federal control over District budgets.

10. *Regarding pre-trial release law and practice.* Available records indicate a broad consensus that the Bail Reform Act of 1966 contributed greatly to criminal justice problems of the city. In fact, concern for the problem was expressed by so many officials during the Johnson Administration that it seems remarkable that pre-trial detention was later considered to be a proposal of the Nixon Administration. It is not possible to form a judgement about complaints that the 1970 bail law amendments were impaired by too-stringent requirements on the prosecutors to justify pre-trial detention. It is clear, however, that the prosecutors have rarely used the formal pre-trial detention procedures, relying instead on efforts to persuade judges to set high money bonds premised on the likelihood that the defendant will flee.

B. Crime Trend Relationships Among Cities.

It certainly is not news that cities of similar size and social composition have somewhat similar crime trends over long periods of time—a situation which might be expected as a result of similar social and demographic changes. Less easy to explain are the many similarities in short-term changes in various cities, almost simultaneously. The best example is the crime trends of cities in the 1970's, with many city trends moving downward about 1971–72, with coinciding upward trends thereafter. Moreover, there is substantial reason to believe that, had reporting procedures of the cities been held constant, the relationship over time would be even more striking. Lest these trend changes be attributed to federal manipulation of the data, it is worth noting that these data are supplied by the cities, not by the state or federal governments. This finding raises the question: What was happening in the early 1970's to produce the beneficial results which have later diminished?

C. Lack of Comprehensive Criminal Justice Data.

The District of Columbia needs but lacks timely, comprehensive, and effective data collection for its criminal justice system. Recommendations for comprehensive criminal justice data collection for the District began before, and continued through, the period studied in this project. For example, a special subcommittee of the House District Committee investigating crime and law enforcement in Washington strongly urged in 1951 that timely and comprehensive criminal justice data be collected for the city (House Report No. 3244, January 2, 1951, pp. 3–4). As a result, the District of Columbia Law Enforcement Act of 1953 established statutory requirements (D.C. Code, 1973 ed., Section 4.134, *et seq.*) for comprehensive reporting of criminal justice data to the Metropolitan Police Department, apparently contemplating that comprehensive data collection and reporting would ensue. However, no effective attempt was made to implement either the statutory provisions nor the data collection and reporting.

Next, Commissioner Robert E. McLaughlin, on August 23, 1959, borrowing from a notion proposed by former President Herbert Hoover, announced plans for a full-scale "crime census," to bring together social and criminal justice data about offenders. Planning was begun on this proposal, but was dropped after Commissioner McLaughlin left the chairmanship of the Board of Commissioners in 1961.

Later, Senator Robert F. Kennedy (D.-N.Y.), at hearings before the Senate District Committee on April 28, 1965, sharply criticized the city government for failing to develop and analyze comprehensive data on the crime problem (Senate District Committee Hearings, April 28, 1965, pp. 215–221). The result was a flurry of weekend and night activity within the city government to develop data samplings for those hearings. However, no long-range data collection program was devised.

The President's Crime Commission for the District of Columbia noted that recommendations for comprehensive criminal justice data collection on a national basis went back to the Cleveland Crime Survey of 1922, and commented that, with few exceptions, the relevant principles had gone unheeded in the District. The Commission recommended a central Bureau of Criminal Statistics for the District of Columbia. That recommendation has never been implemented.

Eventually, as Law Enforcement Assistance funds became available, the Criminal Justice Plans and Analysis

Division was formed and began to pull together data from various criminal justice agencies of the city government. However, these collections have never achieved the qualities of timeliness or comprehensiveness. An October 1972 report by the Criminal Justice Coordinating Board Subcommittee on Research and Information Systems (and particularly the minority views and recommendations of the Metropolitan Police Department in that report) recommended improved centralized data collection and analysis under the auspices of the Office of Crimes Analysis of the Criminal Justice Plans and Analysis Division. So far as could be ascertained during this project, however, plans to follow through on those recommendations were eventually dropped.

Consequently, there continue to be massive gaps in data across the range of criminal justice agencies. The Crime Commission noted that police arrest statistics were probably inaccurate; police arrest statistics still appear to be inaccurate. The Commission noted that detailed data on the time required for processing cases (except for time from indictment to termination—which may be considerably different from time of arrest to final disposition) were unavailable; detailed data on the time required for processing cases continue to be unavailable. The Commission commented that recidivism statistics were notably incomplete; the situation is barely improved to this time.

Despite the considerable improvements which have been made in criminal justice management in the decade since the Crime Commission, and despite the extensive computerization of criminal justice records, the collection and analysis of overview data of the system seems to have improved little, if at all.

D. Conclusion

There is a strong temptation, simply as a matter of style, to conclude any report with a set of strong conclusions and recommendations. None will be offered here.

Has the District of Columbia experience been unique among cities? There is some doubt that it has.

The District does appear to have been the first of the large cities in the post-World War II period to develop a national reputation for high crime. Its adverse publicity probably came first because so many national journalists are stationed in the city, because the Congress was its "city council," and because its form of government made it a convenient focus for national political arguments.

However, the District was neither the only nor the last city to suffer from crime publicity. New York City has had its turn in the limelight, as have Atlanta, Detroit, and others. In some instances the response appears to have been the same as in the District: commitment of new resources, principally added police officers. For example, speaking at the dedication of the New York City police headquarters on October 16, 1973, then Mayor John V. Lindsay remarked that (taking into account the various special police forces) his city was second only to the District of Columbia in number of police officers per capita.

It is tempting to suggest that the response to rising crime might have been better coordinated by a super department head, or perhaps by a strong coordinating committee composed of representatives of the public and the criminal justice agencies. The notion of a central coordinating board emerged from the 1951 hearings of the House District Committee and was provided for in the District of Columbia Law Enforcement Act of 1953 (D.C. Code, 1973 ed., Section 2–1901). The Crime Commission noted, however, that the Council on Law Enforcement, being composed principally of ex-officio delegates from criminal justice agencies and lacking a central staff, was not well designed to scrutinize the affairs of any one agency. The Council was supplanted by the Criminal Justice Coordinating Board, established under the Law Enforcement Assistance Act of 1968. That Board does have the support of staff work of the Criminal Justice Plans and Analysis Division, but remains too representative of special interests to achieve a leadership role in the District's criminal justice system.

Nor did the office of Public Safety Director, in its less than two years of existence, achieve a strong coordinating role over criminal justice, even within the executive branch agencies. The months of its existence, in the midst of riots and peaking crime trends, may have been too hectic; or the functions of agencies and interests to be coordinated may be too diverse.

Or perhaps, as concluded by the Crime Commission, creation of an agency for continuing review and assessment of criminal justice is unnecessary.

Still clearly needed, however, as proposed by a succession of observers of the criminal justice problem, is the rigorous collection, analysis, and dissemination of data relating to all aspects of the criminal justice system. Public display of the problems, the achievements, and the deficiencies of criminal justice agencies might prove the best of all stimuli to an effective, systematic process.

APPENDICES

APPENDIX A–DISTRICT OF COLUMBIA GOVERNMENT, 1955–1975

A. City Government Executive and Legislative Branches

From 1878 to 1967, the executive authority for the District of Columbia was vested in a Board of Commissioners consisting of two persons appointed by the President and confirmed by the Senate, plus one officer of the U.S. Army Corps of Engineers detailed by the President. The "civilian" members were appointed for a term of three years or until their successors were appointed and qualified.

Annually, and whenever a vacancy occurred, the Board of Commissioners selected one member as President of the Board. In practice, during the period germane to this study, the Commissioners operated as a *board* for functions requiring formal action and as *individual commissioners* for day-to-day oversight of subordinate functions. Under this arrangement, the President of the Board acted as a commissioner for public safety, overseeing the police, fire, and civil defense departments; the other civilian acted as a commissioner for health and welfare, overseeing the health and welfare agencies as well as the Department of Corrections; the Army officer member acted as a commissioner for such functions as highway, sanitation, and motor vehicle.

In addition to its executive authority, the Board of Commissioners had quasi-legislative authority to adopt and to amend a variety of local regulations (on matters not preempted by Acts of Congress) in the form of municipal ordinances, traffic regulations, personnel regulations, and rules for governing departments of the city government.

The executive branch of the city government was reorganized by Reorganization Plan No. 3 of 1967, filed by President Lyndon B. Johnson with Congress, which became effective November 3, 1967. Essentially, the reorganization vested local executive authority in a single Commissioner to be appointed by the President (and confirmed by the Senate) for a term expiring on February 1 following the inauguration of a President of the United States, subject to removal by the President. The plan also provided for Presidential appointment and Senate confirmation of an "Assistant to the Commissioner." President Johnson established the custom of designating the Commissioner as "Mayor" and the assistant as "Deputy Mayor"; however, many members of Congress pointedly refused to observe that convention.

The Mayor-Commissioner was vested with the executive functions of the former Board of Commissioners and the agencies under its direction, including direct authority over the executive branch departments of the city government.

The 1967 reorganization also provided a nonpartisan District of Columbia Council composed of a chairman, vice chairman, and seven other members, all appointed by the President and confirmed by the Senate for terms of three years, with one-third of the appointments expiring each year. The Council was vested with a wide variety of regulatory and quasi-legislative functions previously vested in the Board of Commissioners.

This plan of government continued in effect until January 2, 1975, the effective date of the District of Columbia Self-Government and Governmental Reorganization Act. The 1975 reorganization provided substantial home rule to the District of Columbia, with an elected Mayor to administer the executive branch departments, plus an elected thirteen-member Council of the District of Columbia in which was vested significant legislative authority.

Several restrictions were placed on the Council by the Congress, including a thirty-day waiting period during which any act of the Council could be disapproved by adoption of concurrent resolutions by both houses of Congress. Especially significant with regard to the criminal justice system was the prohibiting of any Council enactments regarding criminal procedures or relating to crimes and treatment of prisoners until November 1976 (extended by later congressional action to 1978). Also significant to criminal justice agencies was the retention by Congress of full review of District budgets as adopted by Council actions.

B. Congressional Legislative Authority

Article I, Section 8, of the Constitution provides in effect that the Congress shall have power to exercise exclusive legislation in all cases over the District of Columbia. Statutes regarding crimes, treatment of prisoners, and criminal procedures have generally been

enacted under this provision, as have many of the statutes establishing and regulating various agencies of the city government.

Some of the more important enactments pertaining to District criminal justice and referred to in this study derived, not from the direct legislative jurisdiction of the Congress over the District, but from congressional and congressionally approved actions which applied to the District only because its criminal trials were under the jurisdiction of the federal courts. For example, the ruling of the Supreme Court in *Mallory v. United States* was based on Rule 5(a) of the Federal Rules of Criminal Procedure and not on a District—specific statute; similarly, the Bail Reform Act of 1966 was an amendment to the federal bail procedure and not a District—specific statute. For this reason, not only the House and Senate District Committees, but also the Committees on the Judiciary were involved in District of Columbia criminal justice matters. For example, the abortive attempts in 1957 and 1958 to vitiate the *Mallory* ruling were carried in the Judiciary Committees.

Nonetheless, the primary legislative committees for District affairs were the House and Senate District Committees. Equally important (and perhaps even more effective because of their annual reviews) were the House and Senate Subcommittees on Appropriations for the District of Columbia. (My observation was that, over the twenty-year period, the power of the District Committees diminished while the power of the Appropriations Subcommittees grew as city government philosophy shifted from a) no action can be taken or program established without statutory authority, to b) any action can be taken or program established which is not prohibited by statute.)

Congressional oversight of District criminal justice was also bifurcated by the fact that federal courts served as the felony trial courts; thus the appropriations oversight for both the principal prosecutor (the U.S. Attorney) and the felony courts (the U.S. District Court) was outside the purview of the Subcommittees on District of Columbia Appropriations. (The notable exception to this rule was the special hearings discussed in Chapter 3 and conducted by Senator Robert C. Byrd in 1967.)

There were, of course, other congressional committees (e.g. the Government Operations Committee) which occasionally exercised peripheral oversight of the District of Columbia. But the important congressional powers were the House and Senate District Committees and the House and Senate Subcommittees (of the Appropriations Committees) on Appropriations for the District of Columbia.

C. Judicial Authority

A fairly complete sketch of the judicial branch arrangements for the District of Columbia is provided in Chapter 5.

APPENDIX B. MAJOR DISTRICT OF COLUMBIA CRIMINAL JUSTICE AGENCIES APPROPRIATIONS FOR OPERATING EXPENSES

Fiscal Year	Appropriations (Thousands of dollars)		
	Police	Courts	Corrections
1956	13,888	3,815	4,672
1957	14,531	4,371	4,710
1958	19,278	4,608	5,315
1959	21,077	5,198	5,702
1960	22,156	5,396	6,000
1961	24,706	5,953	7,289
1962	26,254	6,065	7,590
1963	28,307	6,402	7,957
1964	31,174	6,771	8,412
1965	34,663	7,784	9,328
1966	38,807	8,173	9,923
1967	44,596	9,726	10,782
1968	49,261	10,833	11,210
1969	57,321	14,156	12,861
1970	78,908	16,550	17,854
1971	90,367	23,259	21,344
1972	93,732	26,892	23,158
1973	108,091	29,131	28,441
1974	110,978	31,739	31,835
1975	125,914	28,453*	35,250
	1,034,009	255,275	269,633

Note: These data provide a general notion of annual costs of criminal justice in the District of Columbia. Not reflected are costs of federal police agencies which provide various protective services within the city. Costs of juvenile offender custodial and social services are included under noncriminal justice agencies.

On the other hand, less than half of court appropriations can be correctly attributed to criminal justice activities (most of the court budget goes to civil trial activities). And at least one-fifth of the police budget indicated above goes to traffic control and enforcement and to similar activities not related to criminal justice in the sense of this report. Too, all retirement costs for police are included in the police budget, but comparable costs for courts and corrections personnel are in significant part absorbed by the Civil Service Retirement Fund.

The reduced court cost in 1975 reflects an adjustment in the District of Columbia reimbursement to the Federal Government for U.S. District Court costs applicable to local matters.

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